

Also, petition of 53 citizens of Indianapolis, Ind., protesting against war; to the Committee on Foreign Affairs.

By Mr. NORTH: Petition of Rev. Glenn M. Sgafer, president, J. G. Wrightman, secretary, of a public meeting held in Clarion, Pa., praying for the enactment of legislation to abolish polygamy in the United States and any place within its jurisdiction; to the Committee on the Judiciary.

By Mr. OAKLEY: Memorial of Manchester local Socialist Party of Connecticut, deploring severance of diplomatic relations between the United States and Germany; to the Committee on Foreign Affairs.

By Mr. PRATT: Petition of First Baptist Church of Waverly, N. Y., consisting of 550 members and represented by Rev. J. E. Miles, pastor, and Mr. H. R. Cronk, chairman board of trustees, favoring national prohibition and prohibition in the District of Columbia, Alaska, and Hawaii; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Leon Renault, protesting against the District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, petition of Jennie Heubach, urging the passage of House bill 16358, to establish a Woman's Division in the Department of Labor; to the Committee on Labor.

Also, petition of the employees of the Post Office Department, urging the passage of House bill 17806; to the Committee on the Post Office and Post Roads.

Also, petition of American Book Co., New York City, favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Donald Campbell, New York City, favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. SANFORD: Papers to accompany House bill 20917, granting a pension to Elizabeth Hogan; to the Committee on Pensions.

By Mr. VARE: Memorial of members of the Commercial Exchange, city of Philadelphia, supporting the President in the present diplomatic situation; to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Ohio: Petition of Oberlin (Ohio) Loyal Temperance Legion, urging the passage of the joint resolution for national prohibition, the Hawaiian bill, and House bill 18980, to exclude liquor advertising from the mails, and the District of Columbia dry bill; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of J. P. Pillon and 64 other citizens of Lehr, N. Dak., favoring a referendum on the subject of declaring war; to the Committee on Foreign Affairs.

SENATE.

SATURDAY, February 17, 1917.

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 10.30 o'clock a. m., on the expiration of the recess.

Mr. SMITH of South Carolina. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The point is well taken. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Nelson	Smith, Ga.
Bryan	Husting	Norris	Smith, S. C.
Catron	Johnson, S. Dak.	Overman	Smoot
Chamberlain	Jones	Owen	Sterling
Clapp	Kenyon	Page	Stone
Culberson	Kern	Polindexter	Sutherland
Cummins	Kirby	Ransdell	Swanson
Curtis	La Follette	Reed	Tillman
Fall	Lee, Tenn.	Robinson	Vardaman
Fernald	Lodge	Saulsbury	Walsh
Gallinger	McCumber	Shafroth	Watson
Gronna	Martin, Va.	Sheppard	Works
Harding	Martine, N. J.	Sherman	
Hitchcock	Myers	Simmons	

Mr. CHAMBERLAIN. I was requested to state that the Senator from Florida [Mr. FLETCHER] and the Senator from Michigan [Mr. SMITH] are detained in the Committee on Commerce upon official business.

Mr. HUGHES. I wish to announce that the Senator from Kentucky [Mr. JAMES] is detained on official business.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

Mr. SHAFROTH obtained the floor.

Mr. STONE. Mr. President—

Mr. SHAFROTH. I yield to the Senator from Missouri.

DANISH WEST INDIA ISLANDS.

Mr. STONE. Mr. President, from the Committee on Foreign Relations I report back favorably Senate bill 8256. I have not accompanied it with a written report, but I desire to say that with the exception of one clause in the bill, being the last proviso of section 2, the committee was unanimous in ordering the bill to be reported favorably. The Senator from Mississippi [Mr. WILLIAMS] is opposed to the retention of that proviso. He will move to strike it out, and a vote will be had to take the sense of the Senate upon it.

Just a word more. Section 6 of the bill as presented provides that the President shall appoint a commission to examine into the general conditions in the Danish West India Islands and report. At the time the committee was formulating this bill we had very unsatisfactory information as to the general conditions in the islands. Since then the Secretary of Commerce has sent to us a very full and intelligent report covering the very ground intended to be covered by the proposed commission and I think it is sufficiently covered, so that section 6, when we take up the bill, will I think by the unanimous judgment of the committee be eliminated. I send the bill to the desk.

The VICE PRESIDENT. It will be read by title.

The SECRETARY. The Senator from Missouri [Mr. STONE] reports favorably from the Committee on Foreign Relations the bill (S. 8256) to provide a government for the West India Islands acquired by the United States from Denmark.

Mr. STONE. I wish to say that at the very first opportunity, possibly on Monday, if I can, I shall ask to have the bill taken up. It is very important that it should be passed, or else in a very short while we shall have a Territory with thirty thousand and odd people upon it without any government. I repeat, I shall endeavor to call up the bill at a very early day, so that it may be disposed of. I am sure it will take only a comparatively short time.

Mr. WILLIAMS. I do not know how long it will take to pass the bill, but there is a part of it to which somewhat strenuous objection will be made.

Mr. STONE. I stated that.

The VICE PRESIDENT. The bill will be placed on the calendar.

GOVERNMENT OF PORTO RICO.

Mr. OVERMAN. Mr. President, I ask that the unfinished business, Senate bill 8148, be laid before the Senate.

The VICE PRESIDENT. The unfinished business is before the Senate. The Senator from Colorado [Mr. SHAFROTH] has been recognized.

Mr. SHAFROTH. I ask the Senator from North Carolina to consent that the unfinished business may be temporarily laid aside so that the Senate may consider for a few minutes the Porto Rican bill. I will state that an amendment to meet the only difficulty which has been in the way of the passage of the bill has practically been agreed upon by both sides; in fact, it has actually been agreed upon. If the Senator from North Carolina will consent to temporarily lay aside the unfinished business, I think we shall get through with the Porto Rican bill in five minutes.

The VICE PRESIDENT. Does the Senator from North Carolina consent?

Mr. OVERMAN. Mr. President, I am assured by both sides that the Porto Rican bill will not take over 10 minutes in order to be disposed of, and I will consent that the unfinished business may be temporarily laid aside for 15 minutes, by unanimous consent.

Mr. SHAFROTH. I move, Mr. President—

The VICE PRESIDENT. A motion is not necessary. By unanimous consent the unfinished business is temporarily laid aside for 15 minutes for the purpose of considering what is known as the Porto Rican bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. President, I realize that the Porto Rican bill is one of the measures which have been recommended for passage by the President of the United States, and I, as one Senator, certainly do not wish to be in the way of the passage of the measure. I therefore desire to withdraw my original amendment and to offer a substitute therefor, which I ask may now be read.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts consent to the request of the Senator from North Dakota?

Mr. LODGE. Mr. President, I should like, first, to have the substitute read, though I believe there is no objection to it.

The VICE PRESIDENT. The substitute proposed by the Senator from North Dakota for the amendment heretofore submitted by him will be stated.

The SECRETARY. In lieu of the amendment heretofore proposed by Mr. GRONNA, it is proposed, on page 5, after line 3, to insert:

That one year after the approval of this act and thereafter it shall be unlawful to import, manufacture, sell, or give away, or to expose for sale or gift, any intoxicating drink or drug: *Provided*, That the legislature may authorize and regulate importation, manufacture, and sale of said liquors and drugs for medical, sacramental, industrial, and scientific uses only. The penalty for violations of this provision with reference to intoxicants shall be a fine of not less than \$25 for the first offense, and for second and subsequent offenses a fine of not less than \$50 and imprisonment for not less than one month or more than one year: *And provided further*, That at any general election within five years after the approval of this act this provision may, upon petition of not less than 10 per cent of the qualified electors of Porto Rico, be submitted to a vote of the qualified electors of Porto Rico, and if a majority of all the qualified electors of Porto Rico voting upon such question shall vote to repeal this provision, it shall thereafter not be in force and effect; otherwise it shall be in full force and effect.

Mr. LODGE. I withdraw my objection. The amendment is acceptable to me.

Mr. JONES. Mr. President, I desire to ask the Senator from North Dakota a question. As I have heard the amendment read, it says that at any such general election within five years after the passage of this act the question shall be submitted.

Mr. GRONNA. Yes; that at any general election within five years this provision may be submitted to a vote of the people of Porto Rico, and if a majority of the qualified electors shall vote to repeal this provision, of course it will not be in force or effect.

Mr. JONES. When is the first general election to be held after the passage of this act?

Mr. GRONNA. I do not know. This provision will go into force and effect, and if it is not to remain the law will have to be repealed by the people of Porto Rico.

Mr. JONES. I understand that; but I wondered when they would have the opportunity to have the question submitted—within six months or a year?

Mr. LODGE. I think within a year there will be a general election.

Mr. JONES. There will be a general election within a year, so that the matter may be submitted within a year.

Mr. LODGE. Within a year; yes. I think there will be a general election on the 17th of July.

Mr. JONES. The Senator thinks possibly on the 17th of July of this year?

Mr. LODGE. Yes; if 10 per cent of the qualified electors petition for it.

Mr. JONES. It will not be difficult for them to get 10 per cent; but if it is not repealed within five years, then there is no provision for submitting it after that?

Mr. LODGE. No.

Mr. GRONNA. It can not be submitted to a vote of the people, I will say to the Senator from Washington, after the five-year period has expired. I would have much preferred to have had my amendment adopted in its original form; but I understand it would perhaps defeat the Porto Rican bill, and I do not wish to do that. The Congress of the United States has put prohibition into the Porto Rico bill. If the people of Porto Rico do not want it, they can repeal it; and they have five years' time in which to take that action.

Mr. NORRIS. Mr. President, may I ask the Senator from North Dakota a question?

Mr. GRONNA. Certainly.

Mr. NORRIS. I have not been able to attend the night sessions when this bill has been under consideration, and I therefore may be asking a question concerning a matter that has been properly looked after in the consideration of the bill; but, as I caught the reading of the amendment, the question of prohibition may be submitted at any time within five years to the qualified electors of Porto Rico. Is that correct?

Mr. GRONNA. No; not at any time, but at any general election.

Mr. NORRIS. What I want to ask the Senator is, What has been done in regard to fixing the qualifications of the voters? I understood that this bill originally provided for a property qualification.

Mr. LODGE. That has been eliminated.

Mr. NORRIS. Is there any property qualification now?

Mr. GRONNA. No; I understand not.

Mr. NORRIS. The property qualification has been eliminated?

Mr. LODGE. So I understand.

Mr. GRONNA. That is my understanding.

Mr. LODGE. I understood that all those provisions were eliminated.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. Mr. President, for information, I desire to ask a question along the line of that asked by the Senator from Nebraska. I understand that the property qualification affecting the senators and representatives is out of the bill, but that the one affecting the voters is not out of the bill. That is as I understand it. I ask if that is not the case, and if the amendments agreed to do not apply only to the senators and representatives?

Mr. NORRIS. Mr. President, there is so much confusion in the Chamber that I am unable even to hear the Senator from Utah. I wish we might have order.

The VICE PRESIDENT rapped for order.

Mr. NORRIS. I should like to have that question answered, if there is any doubt about it, by some one who knows, or by the reading of the bill itself.

Mr. SMOOT. Mr. President, I want to ask the Senator having the bill in charge if I understand just what has happened to the bill in reference to the property qualification. As I have my bill marked, the property qualification affecting the senators and representatives has been eliminated, but the property qualification affecting the general voters has not been. I will ask the Senator having the bill in charge if that is correct?

Mr. SHAFROTH. I will state to the Senator that there was a substitute for that section which is put in the alternative, giving the right to vote to all those who have voted, consisting of about 250,000 citizens, and also all those who can read and write, and also all those who pay a property tax of \$3 per year whether they can read or write or not. That is the way it was framed, and I would rather for it to be that way.

Mr. SMOOT. I should like to have the amendment read just as it has been agreed to in the Senate. Then we will know.

The VICE PRESIDENT. The Secretary will read the section.

The SECRETARY. Section 35, as agreed to, is as follows:

That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters for all offices elected by the people shall have the qualifications prescribed by the Legislature of Porto Rico and be comprised within one of the following classes:

(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage.

(b) Those who are able to read and write either Spanish or English.

(c) Those who are bona fide taxpayers in their own names in an amount of not less than \$3 per annum: *Provided*, That at all elections subsequent to the first election herein provided for no one shall be entitled or permitted to register or vote who is not at the time of registration or election a bona fide citizen of the United States.

Mr. NORRIS. Mr. President, as I understand the reading of that provision, it gives to the Legislature of Porto Rico—with the single exception that, whatever law they make, those entitled to vote must be citizens of the United States—the power to fix the qualifications of voters in accordance with one of the three different sections, (a), (b), and (c). As I understand the reading of it, they could provide that no one shall be entitled to vote except he was qualified under subsection (c), which is solely and simply a property qualification. In other words, it would give to the Legislature of Porto Rico power to exclude everybody from voting except those who possessed the requisite amount of property. They could exclude entirely those who were qualified by education. They could exclude absolutely every person who was not the owner of sufficient property to qualify him under title (c). I have not read it before, and I get my idea just from the reading by the Secretary; but as I understand that, it gives to the legislature the right to fix absolutely the qualifications. They can, it is true, provide that nobody shall vote unless he has the educational qualification provided in subsection (b), I believe. They can also provide that he must have the qualifications provided in subsection (a). It is within their power to permit voting to be done by persons having the qualifications prescribed by any one or all of these sections.

Mr. SHAFROTH. What does the Senator suggest there?

Mr. NORRIS. I do not believe that we ought to give to the Legislature of Porto Rico the right to say that no one shall vote unless he is possessed of the requisite amount of property named in the statute and pays that much tax every year.

Mr. SHAFROTH. Is the Senator willing to let it go if that is eliminated?

Mr. NORRIS. As I read it, it seems to me that that is the most objectionable part of it. I have not any objection to an educational test.

Mr. SHAFROTH. I think an educational test is good.

Mr. NORRIS. So do I.

Mr. SHAFROTH. It is in the interest of education.

Mr. NORRIS. But this legislature can absolutely abolish all tests of an educational nature under this law. They may say in so many words that no one shall be a voter in Porto Rico unless he possesses the requisite amount of property, regardless of education and regardless of everything else.

Mr. SHAFROTH. Will the Senator be satisfied if we strike out the property qualification?

Mr. NORRIS. I think that would improve it.

Mr. SMITH of Georgia. I do not think the Senator in charge of the bill ought to make an arrangement just with one Senator. There are a number of Senators who are opposed to any modification, and we would like to come to a vote upon it.

Mr. NORRIS. I concede that the position taken by the Senator from Georgia is a logical one. I am only taking the position as one Senator. I can not expect to have it modified just to suit me. I am not asking such a thing. But I do not believe I would be willing to vote for a bill that would give to the legislature the right to take away the right of suffrage from everybody in the island except those who paid a certain amount of tax. I do not believe that is a good qualification, and it can be made the only one.

Mr. HUGHES. I should like to have the amendment read again.

Mr. NORRIS. I will be glad to have it read. I have heard it read but once.

Mr. SHAFROTH. I will read the amendment as it was agreed to in Committee of the Whole:

SEC. 35. That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters for all offices elected by the people shall have the qualifications prescribed by the Legislature of Porto Rico and be comprised within one of the following classes:

(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage.

(b) Those who are able to read and write either Spanish or English.

(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum: *Provided*, That at all elections subsequent to the first election herein provided for no one shall be entitled or permitted to register or vote who is not at the time of registration or election a bona fide citizen of the United States.

Mr. President, I say that the Porto Rican people themselves have been studying that question thoroughly, and it is their amendment that has been brought up here. There are representatives in this Capitol now who represent the various political parties down there, and they have agreed on this amendment. I think the amendment ought to remain in the bill, but in order to get the bill through I am willing to concede a great deal.

Mr. NORRIS. Let me say to the Senator—

Mr. FALL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from New Mexico will state it.

Mr. FALL. Do I understand that this is the bill of the Senator from Colorado we are now discussing or is it the committee bill or the House bill or some other bill providing a government for Porto Rico? I am a member of the committee, and I should like to be informed on the subject, seriously.

Mr. SHAFROTH. What is the inquiry of the Senator?

The VICE PRESIDENT. It was made to the Chair, and the Chair does not know.

Mr. NORRIS. I should like to discuss the amendment then just a little bit. I have now placed in my hands a copy of the amendment. As I read it, I do not believe there can be any doubt but that the Legislature of Porto Rico will be able to fix the qualifications of the electors in that island as they see fit, provided they come within the limits of this particular part of the law. They can change it from time to time as they desire. They may have a qualification one year which will be entirely of an educational nature, and the next year they can fix it entirely upon the ownership of property.

Mr. STERLING. Mr. President—

Mr. NORRIS. I hope the Senator will not interrupt me for just a moment. The next year they can put it in another class, and that class consists of those people who at the election of 1917 were legal voters. The law says they "shall have the qualifications prescribed by the Legislature of Porto Rico and be comprised within one of the following classes." Let us assume that the legislature provides that they shall be comprised entirely within class (a), what will that mean? Class (a) consists of "those who at the election of 1917 were legal voters and exercised the right of suffrage." That means that nobody else can vote except those who were entitled to vote in 1917 and who did vote in 1917. Let us see how that will work out. The next year the qualifications, let us assume, were unchanged. A part of these people die; a number of them may have passed

away. Then those who were entitled to vote are less in number. The next year many more die, and in the course of time there are only one or two of them left, and they are the only qualified voters in Porto Rico. Eventually there will be no qualified voters, because after a while they must all die, unless they are different from all the people I am acquainted with.

So if the legislature wanted to confine the voting population of that island to a select few and would provide that they all shall be in class (a), as we have designated them, the electorate would grow less and less, until the island would be controlled entirely by a few people—those who had the qualification to vote because they exercised the right to vote in 1917. Do we want to do that? Are we going to give to the legislature that power? Are we going to say that they shall have the power to provide that no man shall vote in Porto Rico except he has a qualification in the holding of property and provided that he pays taxes every year? It seems to me that we ought to fix more definitely the qualifications of voters, and we ought to do it here; we ought to do it in this proposed law. I think there are two of those three provisions that are dangerous.

Mr. SHAFROTH. Will the Senator suggest an amendment?

Mr. NORRIS. This is the first time that it has been called to my attention, I will say to the Senator, and at least instead of giving them power to confine it to one of those classes, if we are going to have all those qualification in we ought to say that any one of those would be a sufficient qualification, and that they would not be given the power to take it away. We have given the power to take it away.

Mr. SHAFROTH. Let the Senator suggest an amendment.

Mr. HUGHES. If the Senator would strike out the words "one of," I think he would reach the object he is trying to attain.

Mr. FALL. Mr. President, striking out one or two words I do not think will reach the objection of the Senator at all. The proposition is simply this: Are we willing to leave it to the Legislature of Porto Rico to fix the qualifications of voters at subsequent elections after the first election, subject only to the restriction that they shall be citizens of the United States? That is as the committee bill stands to-day. The amendment adopted here, as I undertook to point out the other night to the Senator from New Jersey, was not reaching what he intended to reach. There is no question about the fact that the Senator from Nebraska is absolutely right. As the amendment stands to-day, the Legislature of Porto Rico can take either of the two first classes and provide a property qualification within those classes. There is nothing in the bill to prohibit them from so doing.

But I wish to point out to the Senate that the Senate to-day is vesting, under the Senate amendment, sovereign power in the Legislature of Porto Rico, subject only to the restrictions that their laws may be affirmatively disapproved by Congress, the same power which is vested in any State legislature under the constitution of that State; and in some respects the organic act which we are prescribing contains fewer limitations upon the legislative power of Porto Rico than do the majority of the State constitutions on the legislative power in the State.

I do not wonder that the chairman of the committee, if I may be allowed to offer a suggestion, is willing to accept anything anyone offers in the nature of an objection when he does not even understand what the objections are.

Mr. SHAFROTH. Mr. President, I want to say that we have had a great deal of trouble with this bill. We have in it a veto power on the part of Congress at any time. If the Porto Rican Legislature does not do what is right, we have the right to repeal their action. I want to get the bill into conference. I have been laboring for eight months to get it into conference.

Mr. FALL. I understand that; but I for one feel that there are certain obligations upon me as a Senator in this body, and, with due deference to the chairman of the committee and his exceeding anxiety to get the bill into conference, I propose that we shall legislate here and not in conference. I am going to undertake, so long as I remain in this body, to voice my objection to bills here in the open and not leave it to some secret session of a conference committee to legislate as to the constitutional rights of this body that under the Constitution is to legislate. I am not willing to leave it to two or three conferees. I think we are able to do it, that we are intelligent enough to listen to objections which may be urged or suggestions that may be made, so that Senators may understand something of the conditions existing in Porto Rico. Is this body not intelligent enough to say what should be done and what we are willing to do with reference to self-government in Porto Rico?

Mr. NORRIS. Will the Senator permit a suggestion. I wish to call attention to another thing in this amendment. It is not in regard to the qualifications of voters, but it says:

Thereafter voters for all offices elected by the people.

We have provided in this bill for the possibility of a referendum on the liquor question. Why should the qualification of the voters for office to be elected by the people be different from what the qualifications might be on a referendum of that kind? If that language remains, there would be one qualification for officers and another and a different qualification, possibly, for a referendum like that which we have already provided for in the bill.

Mr. FALL. So far as I am concerned, Mr. President, I can see no reason for a different rule whatsoever. Why a different rule has been adopted as the matter stands now I can not answer. Yet it has been suggested that it may be fixed in conference. Mr. President, we might just as well, it seems to me, understand that we are dealing with a condition which very few of us do understand. We are providing here the utmost measure of self-government for the people of Porto Rico. In the first place, those people have two aspirations. Divided very largely in two parties, they have had practical assurance from leaders of sentiment in the United States that they would never achieve either of their aspirations—one that it should become an independent republic and the other that it should get statehood. They have been told by the leaders of both parties, by the leaders of the sentiment as it is reported here in the United States, that they would neither become independent on the one hand, nor be allowed to enter the system of statehood upon the other.

Necessarily they differ when they come before a committee. They do not know what qualifications for voters they want, possibly, because it is possible the Republican Party, upon the one hand, has one ultimate object in view; the Union Party, upon the other, has confessedly another object in view; and the two attempting to achieve different ends have different ideas as to what should be embodied in a bill vesting in Porto Rico the right to self-government. I am frank to say that I think very few Members of the Senate understand what they are attempting to legislate about at all.

As to the matter now in issue raised by the Senator, if the Senator desires to preclude the Legislature of Porto Rico from putting additional qualifications upon either of the two first classes of voters provided for, then all he has to do, if the qualifications suit him and only citizens of the United States shall vote, if he is satisfied with this language, then his amendment should simply be to strike out the provision vesting in the Porto Rican Legislature the right to fix the qualifications of voters. So far as I am concerned, I am ready to give it to them.

Mr. MARTINE of New Jersey. I desire to offer as a substitute for section 35:

Sec. 35. That the qualified electors shall be all males who are 21 years of age and over and who are citizens of the United States.

Mr. President, to my mind the milk in the coconut in this whole situation is the fact that the great franchises in that island and sugar plantations are owned by a clique of wealthy men in the United States, in England, and in Scotland, and it is their purpose and desire to control the elections in the island. Qualified with the electorate they are practically in possession of the island. I can not from my standpoint see how we can adopt any feature of the conditions a, b, c proposed. I offer my amendment as a substitute.

The VICE PRESIDENT. Of course the amendment is not now in order.

Mr. MARTINE of New Jersey. I offer it to be taken up when it may be in order.

The VICE PRESIDENT. It will never be in order unless the vote whereby the amendment was adopted by the Senate has been reconsidered.

Mr. MARTINE of New Jersey. Then I move to reconsider it.

Mr. SHAFROTH. I ask that it be taken up in the Senate. I want to get the bill as far along as I can. I do not think there are any other objections to the bill, and let us get the bill in the Senate. Then if the Senator desires to propose his amendment, all right.

Mr. MARTINE of New Jersey. All right; I will withhold it until the bill is in the Senate.

Mr. SMOOT. The Senator might just as well ask for a reconsideration.

Mr. MARTINE of New Jersey. I will ask for a reconsideration.

The VICE PRESIDENT. The question is on reconsidering the vote whereby the amendment was adopted.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The Senator from New Jersey offers an amendment as a substitute for section 35, which will be stated.

The SECRETARY. In lieu of section 35 insert:

Sec. 35. That the qualified electors shall be all males who are 21 years of age and over and who are citizens of the United States.

The VICE PRESIDENT. The question is on the amendment.

Mr. SMITH of Georgia. Mr. President, I think it would be a great mistake to put upon those islands a government of this character. I would be utterly opposed to giving them any government on such a basis. Who are the people who live there? How much ignorance is there? How much lack of capacity to vote? How much utter lack of knowledge of the responsibility of suffrage? You do not propose to allow the legislature to put any limitation on suffrage. You abolish the wise limitations provided by the committee. The committee's limitation is capacity to read and write. Anyone who can read and write in the Spanish or English language can vote.

Mr. WILLIAMS. And anyone who can not can learn in six months.

Mr. SMITH of Georgia. Anyone who pays taxes to the amount of \$3, if he can not read and write, is allowed to register.

Mr. NORRIS. Will the Senator yield there?

Mr. SMITH of Georgia. Yes.

Mr. NORRIS. Does not the Senator believe that the legislature could take away the right of anyone to vote, even though he could read and write under this amendment that has been considered and agreed to?

Mr. SMITH of Georgia. I do not understand the Senator.

Mr. NORRIS. It says that anyone who can read and write is allowed to be a voter. That does not follow unless the legislature says so. The legislature can say that they shall not be voters, as I understand.

Mr. SMITH of Georgia. What I am addressing myself to is the proposition that every citizen of the United States shall have the right to vote who is 21 years of age, without reference to the capacity of the citizen to vote.

Mr. NORRIS. My question of course did not pertain to that. I think there is great force in the Senator's argument, but the Senator was stating that under the proposed law as the committee had brought it in, anyone who could read and write in the Spanish or in the English language would be a qualified voter. That does not necessarily follow, as I understand it; for the legislature, if they so desired, could provide that such persons could not vote. We have given them the power to take that right away.

Mr. SMITH of Georgia. Then the amendment should be to strike out the provision in the bill which gives the local legislature the right to withdraw suffrage under the limitations prescribed by Congress.

I am opposed to passing this bill unless some kind of limitation as to suffrage attaches to it or else we give the local legislature the right to attach some limitation as to suffrage. It is simply impossible to tell what will be done down there if every irresponsible man 21 years old has an equal voice in the control of the island. We know perfectly well that a large number, at least, of the inhabitants of the island are not prepared for suffrage. I would be willing to accept the proposition that a man who can read and write shall vote; I would be willing to accept the proposition that a man who pays a small amount of taxes, though he can not read and write, shall vote.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. Would the Senator from Georgia be willing to accept an amendment to the amendment by striking out the words "prescribed by the Legislature of Porto Rico and be," so that the section would read:

That at the first election held pursuant to this act the qualified voters shall be those having the qualifications of voters under the present law; thereafter voters for all offices elected by the people shall have the qualifications comprised within one of the following classes.

Mr. SMITH of Georgia. I would be willing to accept that.

Mr. SMOOT. Then, with those words stricken out, the legislature could not change the qualifications at any time. The qualifications could only be changed by Congress.

Mr. SMITH of Georgia. I would accept that. I really would prefer to provide that no one should vote who could not read and write, and I would be perfectly willing to stop there. I am, however, willing to go one step further, and provide that anyone who pays taxes on a limited amount of property may vote, although he can not read and write, but there ought to be some restriction.

Mr. SMOOT. I was going to ask the Senator one question, following up the one which I first asked him. Would he be willing to modify those qualifications by striking out qualification (c), which provides:

Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum.

Mr. SMITH of Georgia. I would. I am not seeking to broaden the suffrage; I am seeking to limit it. I think it is essential to good government in that island that there should be

a limitation of suffrage, and a limitation that requires a capacity to read and write is not a severe restriction.

Mr. MARTINE of New Jersey. Mr. President—

Mr. NORRIS. With the permission of the Senator from New Jersey, I want to offer two or three amendments to the substitute. I should like the attention of the Senator from Georgia, the Senator from New Jersey, and the Senator from Colorado.

In the first place, I think we ought to strike out these words, commencing in line 3 and ending in line 4, "for all offices elected by the people," so that we shall not have a different qualification for the election of officers than we would have for voting for the referendum, as we provide in the bill.

Mr. SMITH of Georgia. I would do that.

Mr. NORRIS. Before the word "qualifications," at the end of line 4, I move to insert the word "following," so that it will read "the following qualifications." Then I move to strike out the words "prescribed by the Legislature of Porto Rico and be comprised within one of the following classes," so that it will read—

The following qualifications:

(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage—

Then after the word "suffrage" insert the word "or," so as to read—

or (b) those who are able to read and write either Spanish or English.

It strikes me it would be a very good idea to stop there, and not put the other qualification in; but if you put the other one in add the word "or," so that a man would be entitled to vote if he had any one of these different qualifications; and the qualification to vote for an officer would be the same as the qualification to vote at a referendum like the one we have submitted.

Mr. SHAFROTH. I would just as soon have the word "or" in.

Mr. NORRIS. To begin with, to get somewhere, Mr. President, I move to strike out the words "for all offices elected by the people."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska to the amendment.

The amendment to the amendment was agreed to.

Mr. NORRIS. Now, I move to amend by inserting after the word "have," in line 4, the words "one of."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment.

Mr. SHAFROTH. I ask that the amendment be again stated.

Mr. NORRIS. I move after the word "have," in line 4, to insert the words "one of."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment.

The amendment to the amendment was agreed to.

Mr. NORRIS. Now, after the word "the," in the same line, I move to insert what I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. In line 4, after the word "the," and before the word "qualifications," it is proposed to insert the word "following."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment.

The amendment to the amendment was agreed to.

Mr. NORRIS. I also offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Nebraska to the amendment will be stated.

The SECRETARY. After the word "qualification," in line 4, it is proposed to strike out the words "prescribed by the Legislature of Porto Rico and be comprised within one of the following classes."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment.

The amendment to the amendment was agreed to.

Mr. NORRIS. I now have another amendment to submit, but before doing so I want to say that I am not myself satisfied in regard to it; but I offer it in order to get the question before the Senate and that we may make some headway. It seems to me that we ought not to have a property qualification for voters.

Mr. FALL. Mr. President—

Mr. NORRIS. I yield to the Senator from New Mexico.

Mr. FALL. I think if the Senator will leave that qualification in, he will simply provide another class of voters. It does not limit either of the first two classes; and I think it is very

properly left in. I think the Senator from Nebraska will agree with me that this provides a third class; in other words, that if a man is not now a resident, although he may not be a legal voter at this election, although, second, he may not be able to either read or write either language, yet if he is a taxpayer he may still be a voter. I do not think it limits the qualifications in either of the other respects, but it adds an additional class of voters.

Mr. CLAPP. Will the Senator from Nebraska yield for a suggestion?

Mr. NORRIS. Before I yield the floor I want to add another amendment, which I think is necessary. I want to add after the word "voters," in line 3, the words "shall be 21 years of age and," so that it will read:

Thereafter voters shall be 21 years of age and shall have one of the following qualifications.

I take it that if we do not fix an age qualification here, we might be in great danger.

Mr. MARTINE of New Jersey. Twenty-one years of age is the time fixed in my substitute. That is the amendment which I propose.

Mr. NORRIS. Mr. President, I do not care to discuss the amendment.

Mr. SMITH of Georgia. Has the Senator included the provision that they shall be citizens of the United States, or would he add that in connection with the provision as to being 21 years of age?

Mr. NORRIS. That is a good suggestion. That they shall be 21 years of age—

Mr. SMITH of Georgia. And citizens of the United States.

Mr. NORRIS. And citizens of the United States.

Mr. SMITH of Georgia. And "possessing one of the following qualifications."

Mr. NORRIS. With the word "and" following, so that the amendment would be after the word "voters," in line 3, to insert the words "shall be citizens of the United States and 21 years of age, and."

Mr. MARTINE of New Jersey. Will the Senator yield for a moment?

Mr. NORRIS. I yield to the Senator.

Mr. MARTINE of New Jersey. That would include as well the literacy test. I think it would be futile to put that in the bill. We know of recent knowledge from the action of our President in connection with another matter that he would probably veto the bill with that in it.

Mr. NORRIS. Let me say to the Senator the provision will be still open to amendment when the amendments I have suggested are agreed to, and a motion can be made to strike out any of the qualifications. The Senator will be at liberty to make such a motion.

Mr. SHAFROTH. I will suggest to the Senator—

Mr. NORRIS. But I think it is conceded that voters in Porto Rico ought to be citizens of the United States and ought to be 21 years of age, and that is all the last suggestion proposes to incorporate in the provision.

Mr. MARTINE of New Jersey. My substitute comprehended all that.

Mr. NORRIS. I know it did.

Mr. SHAFROTH. I will state that subdivision (a) provides that all those who at the election of 1917 were legal voters and exercised the right to vote can do so without regard to the educational qualifications.

Mr. MARTINE of New Jersey. I can not see the purpose of putting that in. I think my substitute would accomplish the whole purpose.

Mr. NORRIS. Let me ask the Senator from New Jersey will he not consent to the amendment that I have suggested, as that does not take away from him or any other Senator the right to make a motion to strike out further down?

Mr. MARTINE of New Jersey. My substitute is before the Senate.

Mr. NORRIS. I think there can not be any objection to providing that they must be citizens of the United States and must be 21 years of age. If that amendment is agreed to, or, even if it is disagreed to, the provision will still be open to further amendment, and the Senator can move to strike out the literacy test if he wants to do so.

Mr. MARTINE of New Jersey. I want to strike out not only the literacy test, but I want to strike out each one of the qualifications mentioned.

Mr. SMITH of Georgia. Has the amendment of the Senator from Nebraska providing an age qualification been agreed to?

The VICE PRESIDENT. The question is on agreeing to that amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the section as it now reads.

The SECRETARY. As amended section 35 now reads:

SEC. 35. That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters shall be citizens of the United States and 21 years of age and shall have one of the following qualifications—

Mr. SHERMAN. Mr. President—

Mr. HUGHES. I desire to make a suggestion to the Senator from Nebraska.

Mr. CLAPP. I should like to hear the amendment stated as agreed to.

The VICE PRESIDENT. There certainly can be no objection to at least stating the amendment as it now stands without interruption.

Mr. CLAPP. I will ask that the Secretary read the amendment as it now stands.

The VICE PRESIDENT. The Secretary will please read the amendment as it now stands in order that we may get somewhere if we can.

Mr. HUGHES. The Secretary did read it, did he not?

Mr. SMITH of Georgia. No; he did not read the qualifications. He only read down to that point.

The SECRETARY. As it now stands, section 35 reads as follows:

SEC. 35. That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters shall be citizens of the United States and 21 years of age and shall have one of the following qualifications:

(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage.

(b) Those who are able to read and write either Spanish or English.

(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum.

Mr. CLAPP. I rise to a parliamentary inquiry. I submit that the Senator from Georgia has not submitted to the Senate as yet that portion of the amendment which comprises a property qualification.

Mr. NORRIS. No.

Mr. CLAPP. Yet it appears here as part of the amendment as perfected by the Senator from Nebraska.

Mr. NORRIS. It is still a part of the provision, but it is subject to a motion to strike it out. That motion has not yet been made.

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Certainly.

Mr. SMOOT. Section 35 as amended on motion of the Senator provides three qualifications, and reads as follows:

That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters shall have one of the following qualifications—

Mr. NORRIS. The Senator did not read it all. He left out the words "shall be citizens of the United States and 21 years of age."

Mr. SMOOT. Yes; that provision was just submitted by the Senator and adopted.

Mr. SMITH of Georgia. And possessed of "one of the following qualifications."

Mr. SMOOT. I desire to ask the Senator what is there in this bill that would prevent the Legislature of Porto Rico from imposing 40 other qualifications, if they desire to do so?

Mr. NORRIS. Unless we give them authority so to do, the legislature would not have any right to impose any other qualifications. If we define what the qualifications of voters shall be, the Legislature of Porto Rico can not repeal that act of Congress.

Mr. SMOOT. It will not be able to repeal the qualifications provided for by act of Congress, but will it not have the right to provide additional qualifications?

Mr. NORRIS. I think not. We have stricken out the words "prescribed by the Legislature of Porto Rico," and so forth.

Mr. SMOOT. I believe that under the provisions of this bill the legislature will have that right.

Mr. POMERENE. Mr. President, I should like to ask the Senator in charge of the bill what are the present qualifications of voters?

Mr. SHAFROTH. The present qualifications of voters are that they shall be 21 years of age and shall have resided one year in Porto Rico.

Mr. MARTINE of New Jersey. Are there no other conditions?

Mr. SHAFROTH. No; I think not. This bill proposes to make them citizens of the United States, but they are now citizens of Porto Rico, and they have been voting down there

to the extent of some 250,000, which was approximately the vote at the last election. There was a very large vote.

Mr. MARTINE of New Jersey. Then, I should like to inquire, if the present conditions have proven satisfactory and good order has been maintained at elections, why not continue the present arrangement? Why put in these (a), (b), (c), propositions?

Mr. SHAFROTH. In the act providing a government for the Philippines there is an educational qualification. Nobody in the Philippine Islands can vote unless he can read or write. These bills are supposed to relate somewhat to each other; and by reason of that there was first provided simply an educational qualification or a property qualification. There was objection to that in the committee, and we at last agreed that the people of Porto Rico should have 10 years to prepare in which to qualify themselves educationally; but on the floor of the Senate several nights ago, when we had the matter up for consideration, it was enlarged, under the amendment offered by the Senator from Washington [Mr. POINDEXTER], to include everybody who has heretofore voted. That is the condition; and it seems to me that that is a good amendment; but to the suggestions made by the Senator from Nebraska [Mr. NORRIS] I do not see any serious objection.

Mr. SMOOT. Mr. President, there is one other question which I desire to ask the Senator from Nebraska in relation to the subject matter about which I was just speaking. This section, if adopted, will provide that the voters of Porto Rico shall have certain qualifications. There is nothing in the bill that says that the legislature thereafter may not provide additional qualifications. There is nothing to prevent the Legislature of Porto Rico from imposing any qualifications other than those provided for in this bill.

Mr. WORKS. Mr. President, I hesitate to add to the complicated condition of affairs here, but I should like to know whether it is the intention of this bill to fix the qualification of voters for the first election and then change the qualifications for all other elections? That is the effect of this amendment as it now stands.

Mr. SHAFROTH. I will state to the Senator that that complication arises from the fact that at the present time only Porto Ricans are permitted to vote. Some others may exercise that privilege, but ninety-nine one-hundredths of the voters are Porto Ricans. They are not now citizens of the United States, and if we were to prescribe that only citizens of the United States were to vote at the first election there would not be anybody who could vote. Consequently, we are obliged to make a distinction between the first election and the subsequent elections. So we prescribe that all those who voted in the last general election shall be entitled to vote at the election in 1917. Then we prescribe that thereafter those shall be entitled to vote who are citizens of the United States and who were eligible to vote and who voted in 1917 and possess one of the qualifications mentioned.

Mr. WORKS. Then, the effect of it is to allow voters who would not be qualified primarily under the provisions of this act to fix the conditions in the beginning, by the provisions that are contained in this amendment, so that a large proportion of them evidently will be disfranchised.

Mr. SHAFROTH. No; very few of them.

Mr. WORKS. That is the effect of it.

Mr. SHAFROTH. Very few of them will be disfranchised, if any, because on account of the qualifications including those who voted at the last general election, they will evidently vote again, and consequently they will become permanent voters.

Mr. WORKS. But, Mr. President, under the provisions of this amendment they would not be entitled to vote unless they had one or the other of these three qualifications.

Mr. SMITH of Georgia. No.

Mr. SHAFROTH. But one of the very qualifications is, "those who at the election of 1917 were legal voters and exercised the right of suffrage"; so that takes in the great mass of them.

Mr. SMITH of Georgia. You see, Mr. President, that carries as a permanent qualification for suffrage the right to vote to those who vote in this coming election.

Mr. WORKS. Mr. President, that is precisely where the Senator is mistaken. The provision is that thereafter they shall have certain and fixed qualifications, and that would exclude those who voted at the last election.

Mr. SMITH of Georgia. But the Senator from California—

Mr. NORRIS. If the Senator from California will permit me—

The VICE PRESIDENT rapped for order, and said: The Chair is entirely willing that Senators shall proceed, but only one at a time.

Mr. SMITH of Georgia. Have I the floor, Mr. President?
Mr. NORRIS. I did not know the Senator was trying to proceed. Certainly, so far as I am concerned, I will permit the Senator to proceed.

Mr. SMITH of Georgia. Just one moment. The Senator from California is mistaken. That language is perfectly clear as the Senator from Nebraska has perfected it. It provides that after this first election a voter must have one of the three following qualifications. Now, what are those qualifications?

First, those who at the election of 1917 were legal voters and exercised the right of suffrage. If he falls within that class, he has the qualification.

Mr. FALL. Mr. President, will the Senator yield?

Mr. SMITH of Georgia. Yes.

Mr. FALL. He has the qualification, provided in the meantime he has become a citizen of the United States.

Mr. SMITH of Georgia. That we add, of course. We do not propose in future, after this first election, to let anybody vote who is not a citizen of the United States and 21 years old. I think everybody agrees to that. But, being a citizen of the United States and being 21 years of age, he must have one of three additional qualifications, as it reads now. What is the first one of those? He must have been qualified to vote and have exercised the privilege at the election in 1917.

Mr. STONE. I will ask the Senator if it would not be well in that first qualification to add, right at the beginning, "being a citizen of the United States"?

Mr. SMITH of Georgia. That is not necessary, because we preface the three with the statement, first, that he must be a citizen of the United States, he must be 21 years of age, and he must possess one of the three following additional qualifications. Being a citizen of the United States and being 21 years of age, he need have but one of the three following qualifications. What is the first qualification? Let me read it:

Those who at the election of 1917 were legal voters and exercised the right of suffrage.

Mr. WORKS. Well, Mr. President, after the explanation of the Senator from Georgia, I admit that it is not quite as bad as I thought it was.

Mr. SMITH of Georgia. Now, we carry as a permanent right, if he becomes a citizen of the United States and is 21 years of age, the privilege of suffrage to the man who exercises the privilege in this coming election. Second, outside of those who vote in this coming election, if they are citizens of the United States and 21 years of age, we say, "If you can read and write in Spanish or English, you can register and vote." Now, third, as it stands at present, we say, "Even if you do not vote in the coming election in 1917, even if you can not read and write in Spanish or in English, still if you are a property holder, a citizen of the United States, and 21 years of age, though your property only requires you to pay a tax of \$3 per year, you can register and vote."

Mr. MARTINE of New Jersey. Mr. President—

Mr. SMITH of Georgia. I do not care to be interrupted by the Senator from New Jersey.

Mr. MARTINE of New Jersey. Well, I do not desire to interrupt the Senator.

Mr. SMITH of Georgia. I will not let the Senator interrupt me, under the rules.

Mr. MARTINE of New Jersey. The Senator need not worry. I am not going to.

Mr. SMITH of Georgia. Mr. President, this third privilege is, I think, a very proper one; but if the amendment is stronger without it, let it go. I believe that a man in Porto Rico who is a taxpayer has a certain stability attached to him, is likely to be a permanent resident, is more likely to be domiciled in the island, than if he were a mere mover from place to place. I do not care particularly whether that remains or not. What I do insist upon, however, is that, besides those that we allow to vote who are now voters and who exercise the right in the election of 1917, we should maintain some restrictions, and I think the knowledge and capacity to read and write in English or in Spanish is not an unreasonable requirement for those whose names are to be added to the list of those who can now vote in the island.

Mr. MARTINE of New Jersey and Mr. NORRIS addressed the Chair.

The VICE PRESIDENT. The Senator from New Jersey.

Mr. MARTINE of New Jersey. Mr. President, the Senator from Georgia was very impatient with me. I was only trying to ask him a question that I thought might enlighten me.

It seems to me that it is utterly out of place to reason or to argue this literacy or educational test at this time. We have thrashed that over and over again. We have passed the bill

here including it, and the President vetoed it. We would have the same experience, in my judgment, again.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. MARTINE of New Jersey. Certainly.

Mr. CLAPP. What I am going to say is not intended in any sense as a reflection upon the President. But the Congress has overruled the veto, and, of course, by the same token it would undoubtedly overrule it as to the government of an alien people by this Government.

Mr. MARTINE of New Jersey. I am conscious of that fact; but the fact still remains that my opinion is not changed.

Mr. POMERENE. Mr. President—

Mr. MARTINE of New Jersey. I want to say that almost every educational magazine in our country and the great metropolitan journals of our country with a remarkable unanimity have not sustained the action of our Congress on that particular point.

Mr. POMERENE. Mr. President—

Mr. MARTINE of New Jersey. I believe that it is unfortunate, and I believe it is utterly un-American, and certainly un-Democratic; and, for the life of me, I can not vote for it.

Mr. POMERENE. Mr. President, may I call the Senator's attention to a distinction which he seems to have overlooked? The literacy test only applied to immigrants entering the country.

Mr. MARTINE of New Jersey. Oh, yes.

Mr. POMERENE. This is defining the qualifications of one who shall exercise the right of franchise.

Mr. MARTINE of New Jersey. Yes. Well, if it had any pardon at all for those entering the country, it certainly has no pardon for those who have been born mayhap in the island and are citizens of the United States.

Then, the other qualifications which the Senator says he is not tenacious about—the \$3 tax. Now, a man must have something upon which to be taxed; so it is tantamount to a property qualification.

Mr. SHAFROTH. Does not the Senator recognize that that is not a limitation, but is an extension of the franchise?

Mr. MARTINE of New Jersey. Oh, well, all right; put it as you may. The fact is that if he has not either one of these other qualifications he has to have the tax qualification. Suppose he has neither of them. Now, I insist that the lack of property is a misfortune, and not necessarily a crime. A man should not be penalized because he is poor. I know there is a certain disposition to put on a property qualification and a literacy test, an educational test. Now, I want to say—

Mr. CLAPP. Mr. President, will the Senator pardon another interruption?

Mr. MARTINE of New Jersey. Certainly.

Mr. CLAPP. When we reach a vote on the Senator's amendment I propose to vote for it; but in the meantime, if the Senator will bear with me, it seems to me that we ought, if we can, and as far as we can, to perfect the pending amendment. If the Senator will yield, I should like to move to strike from the pending amendment the words "Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum." Then, if we were unable to substitute the Senator's amendment, we would at least, if my amendment prevails, have freed the pending amendment from what I regard as an undemocratic proposition—a property qualification.

Mr. MARTINE of New Jersey. I would be quite willing to vote with the Senator on that proposition, to strike it out.

Mr. CLAPP. Mr. President, if the Senator will pardon me at this time, and will yield for that purpose, I move to strike out of the pending amendment, paragraph (c):

Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum.

Mr. President, in making that motion, of course, I know it will be said that paragraph (c) enlarges the possibility of suffrage; but it enlarges a thousand times more the possibility of controlling the electorate of Porto Rico. If there should be an influence that seeks to control the electorate of Porto Rico, it will be very difficult for that influence to educate voters so that they can pass the educational test. It will be very easy to furnish a tax receipt of \$3 to those men whom they want to vote along the line of certain interests. While theoretically section (c) enlarges the right of suffrage, I repeat that it enlarges a thousandfold the opportunity of forces to control the electorate, if that condition be possible in the future government of Porto Rico.

I move to strike out subdivision (c).

Mr. MARTINE of New Jersey. Well—

Mr. STERLING. Mr. President, will the Senator yield for just a moment?

Mr. CLAPP. Yes; with pleasure.

Mr. MARTINE of New Jersey. I think I have the floor, but still—

Mr. STERLING. This does not provide that the voter, in order to be a qualified voter, shall have paid his tax.

Mr. CLAPP. No.

Mr. STERLING. He must be a taxpayer in the amount of \$3 per annum.

Mr. CLAPP. But, lacking the educational qualification, if he does show that he has paid \$3 per annum, then he is entitled to vote, so far as we give him the power to vote.

I want to remind the Senate that the Senator from Utah has raised a question here that is vital. We do not say in this amendment that the men who have these qualifications can vote. We simply say that they must, among other things, possess these qualifications. Clearly, if a man had been convicted of a felony the Legislature of Porto Rico could prohibit his voting, notwithstanding he had these qualifications.

Mr. SHAFROTH. Does not the Senator think the Porto Rican Legislature should have that power?

Mr. CLAPP. Unquestionably.

Mr. SHAFROTH. It is those people that are voting for the Porto Rican Legislature.

Mr. CLAPP. We were laughing down here the proposition of the Senator from Utah. I think we ought to take time enough to consider these things, and consider them on their merits.

Mr. President, I move to amend the pending amendment by striking out clause (c):

Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out subdivision (c), on lines 12 and 13, as follows:

(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum.

Mr. STERLING. Mr. President, just one word in regard to the proposed amendment of the Senator from Minnesota. Of course we have been used so long to a system which does not provide for a property qualification, and it is so inconsistent with our own ideas of democracy and democratic institutions, that we naturally rebel against any such idea. It occurs to me, however, that conditions must be altogether different in Porto Rico and among the people of Porto Rico than they are in the United States, and that there must be a very large class that would have no appreciation whatever of the right of suffrage. It seems to me that there ought to be here some slight property qualification to apply to those who can neither read nor write.

I can conceive of this as the situation—a great mass of people, many thousands of them, in Porto Rico who would hardly understand what was meant by the exercise of the right of suffrage and what it implies. I think we ought to proceed cautiously here in the matter of conferring suffrage upon these people, and there should be either a qualification requiring them to be able to read and write in English or in Spanish or a slight property qualification.

Mr. MARTINE of New Jersey. But, Mr. President, we have been educating these people, I think, for 10 or 12 or 15 years. Then, further than that, I want to say that I have presented here a petition, I think, of 12,000 names from Porto Rico rebelling at the propositions contained in this bill as being un-American and not up to the standard that we have proclaimed to the world as to what we stood for. I should regret very much to see either one of those qualifications left in the bill.

Mr. HUGHES. Mr. President, I want to call the Senator's attention to something that I think he has overlooked in this bill. The language that he has drawn does not seem to me to be applicable. It frequently happens, as we all know, when we attempt to amend legislation on the floor, that we use unhappy language. It seems to me that result has been achieved this morning.

On line 4 the language of the amendment deals with qualifications. First, it refers to certain qualifications. Then we go down and enumerate (a), (b), and (c), which are not qualifications, but which are people.

Mr. NORRIS. I did not hear the Senator.

Mr. HUGHES. I say, the language of the amendment deals with qualifications. We say they shall have the following qualifications: (a), (b), and (c). Well, (a), (b), and (c) do not deal with qualifications; they deal with people—"those," "those." So that, to say the least, the language is ungrammatical.

Also, the Senator from Utah suggested that we were granting no particular rights to these people, and a reading of the language seemed to bear out what he said. In order to get this

amendment perfected, so that we will have a proper choice between the substitute offered by the Senator from New Jersey and this amendment as perfected by the Senator from Nebraska, I would suggest that the language take this form: I would leave undisturbed the first clause, and, on line 3, after the semicolon, I would have it read as follows:

Thereafter, voters shall be—

(a) Those— and

(b) Those— and

(c) Those—.

Mr. NORRIS. If the Senator will permit me, I think it would carry out his idea if he would put the word "or" between those different clauses. If he did not, the voter would have to possess all three of the qualifications named in subdivisions (a), (b), and (c).

Mr. HUGHES. Yes; the Senator is correct about that. I wanted to call attention to the fact that the language that comes before the semicolon in the amendment is absolutely clear, and is lacking in the vagueness that characterizes the language that immediately follows the semicolon.

The language is as follows:

That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law.

That is absolutely clear and unmistakable.

Mr. NORRIS. That is not changed.

Mr. HUGHES. That is not changed. I would follow that form for the balance of the paragraph and say thereafter voters shall be—

(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage; and

(b) Those who are able to read and write either Spanish or English; and

(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum.

Mr. NORRIS. The Senator would not connect it with the conjunctive "and"? I call attention also that, in addition, they must be citizens of the United States and must be 21 years of age.

Mr. HUGHES. I have not intended to touch that part at all. I was only trying to perfect the three divisions.

Mr. NORRIS. After all, let me say to the Senator the pending amendment is the one offered by the Senator from Minnesota, and I would suggest that we take up this matter after that is disposed of.

Mr. HUGHES. I thought that had been acted on.

Mr. CLAPP. No.

Mr. NORRIS. I wish to say to the Senator from Minnesota I intend to vote for his amendment; yet I can see, I think, a great deal of weight in the argument made by those who are opposed to it. I feel as though I ought to vote with the Senator to strike it out, but it ought to be amended before the motion to strike out is voted on; and I intended to offer this amendment, but other things came in and I did not get an opportunity. Qualification (b) provides that they must be bona fide taxpayers in their own name in an amount of not less than \$3 per annum. I take it, it would not mean that they had necessarily paid the taxes. It seems to me if we make a property qualification at all, and I am not in favor of doing it, we ought to provide that they not only shall be taxpayers, but that they shall have actually paid the taxes that are due against them. I wanted to move to add the words "and have paid all such taxes." I am not able to offer that amendment now because, under the parliamentary situation we are in, it would be in the third degree; but if there is not any objection to that amendment, in order that we may perfect the particular part that the Senator from Minnesota seeks to strike out, I ask unanimous consent that I may be allowed to offer the amendment before the vote is taken on the Senator's motion to strike out.

Mr. CLAPP. As far as I am concerned, I would gladly accede to that.

Mr. NORRIS. The Senator can not do that.

Mr. CLAPP. I was going to say that I would be one to accept it by unanimous consent.

Mr. NORRIS. I can offer it if no one objects, and it can be done by unanimous consent, even though in the third degree, I take it.

The VICE PRESIDENT. It is not in the third degree. The pending motion is the motion of the Senator from Minnesota [Mr. CLAPP].

Mr. NORRIS. In line 13, I move to add "and have paid all such taxes."

Mr. SMOOT. Should not the words be "all such taxes that may be due"?

Mr. NORRIS. I have no objection. Let it read "all such taxes that are due."

The VICE PRESIDENT. If the motion of the Senator from Minnesota prevails, it goes out, and it does not need any amendment.

Mr. NORRIS. I understand; but it would make a different proposition in voting on the motion of the Senator from Minnesota to strike out. I only seek to apply the well-known rule that we ought to have an opportunity to perfect the language that is sought to be stricken out before we vote on striking it out. There may be Senators who would be in favor of striking it out under one condition and opposed to it if that language is in the bill, and I should like to see it amended as I have suggested.

Mr. STERLING. Mr. President, I should like to make a suggestion to the Senator from Nebraska in regard to the last proposed amendment in lines 12 and 13. The amendment, it seems to me, suggests the very question raised by the Senator from Minnesota a while ago, when he stated as the ground of objection to lines 12 and 13 that certain interests would pay the taxes of certain voters. If the right to vote depends upon the payment of the taxes, that very thing will happen. I think the amendment ought to stand as it is, and a person ought to be a qualified voter when he is a taxpayer without requiring that he should pay the taxes before he exercises the right of suffrage.

Mr. CLAPP. The Senator from South Dakota has emphasized the reason why I was so ready to accept the amendment proposed by the Senator from Nebraska. It would strengthen my argument, it would make it so plain and palpable that I wish it were in here. If it were in my power I would put it in before the motion to strike out was voted on.

Mr. STERLING. Let me ask the Senator from Minnesota—

Mr. NORRIS. The Senator from South Dakota does not object to my right to offer the amendment?

Mr. STERLING. Certainly not.

Mr. NORRIS. Then we will vote upon it.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add after the words "per annum," in line 13, the words "and have paid all such taxes that are due," so as to read:

(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum and have paid all such taxes as are due.

Mr. SHERMAN. Mr. President, there has been rather a peculiar parliamentary position this morning on many amendments. Somebody gets the floor on an amendment, somebody else gets it upon an amendment or a motion or to interpolate a great variety of provisions while the floor is held. The amendment to the amendment stands by unanimous consent; nobody has been heard; it has been adopted; a Senator holding the floor occupies it to the exclusion of every other Senator; and so divers amendments have been added that nobody seems at present to have a very clear understanding of. I have tried to keep the run of affairs as best I could. The Chair has been helpless to enforce ordinary parliamentary procedure because the business has seemed by unanimous consent to take the other course.

This amendment that seeks to provide for the qualification for voters, I think, ought to go further than even the amendment to the amendment. The last amendment that is provided by the Senator from Nebraska with sundry additions made by a number of other Senators, the names of whom are too numerous to mention, to quote a sales-bill phrase, would be to still further limit the ability of the voter by requiring him to pay taxes due. Some objection is made that the candidate might pay the past due taxes to qualify the voters. That is a favorite procedure in some parts of our United States.

I do not know why in our insular possessions one of these embryo citizens should be denied the same right that citizens of continental United States are not denied. I know of parts of the country where candidates pay the poll tax in order to qualify a number of electors to exercise the privilege of an American citizen. I know other States—there might be something in the corrupt practices act not to permit that—where the delinquent voter borrows money, presumably to pay his taxes. He does not borrow from the candidate, he borrows it from the bank, and some friend of the candidate stands as security, and the voter by some unusual dereliction which is understood omits to obey the cashier's order when the note matures to take up the negotiable paper, and the friend of the candidate pays it, and the eternal triangle, as divorce suits have it, is complete—the candidate and the voter and the security on the note in the bank. That is a very well-known procedure.

I know of no reason why we ought to deny citizens of Porto Rico as much right as we have in our own country. Still if we

continue these inhibitions after a while we will be unable to pay the \$3-a-year tax for the voter.

I should like to inquire either from the chairman of the committee or anybody else who possesses the information whether a woman in Porto Rico under this act can be a Territorial Member of the Senate. I should like to inquire whether a woman under this act could be a legislator of the lower house in Porto Rico. I would like to inquire whether under the qualification of voters a woman in Porto Rico can not vote under this proposed law. I want that disposed of before I finally vote on the bill, or I shall vote against it, however beneficial the provisions may be.

I want to know why the amendment offered by the senior Senator from New Jersey ought not to be adopted. It seems to add the qualifications that, in addition to being citizens, they shall be male citizens. A woman is a citizen of the United States without any suffrage clause, constitutional or statutory. A woman in Porto Rico possesses the status of a citizen in the United States under the treaty by which we acquired that Territory. Any person who possesses civil rights is a citizen. Political rights are an entirely different matter. The right to vote is a distinctly added qualification to that of citizen of the United States.

I think the amendment offered by the Senator from New Jersey is a necessary amendment. I am not ready yet to extend the right of woman suffrage to Porto Rico when we do not have it in some 35 or 36 States of the United States. However advantageous it might be, however necessary to carry on the extension of the universal right of suffrage regardless of sex, I prefer that we confine our missionary efforts to the United States until at least we have enlarged the limits in the United States before we go to any of our insular possessions.

To go further on this line, it seems to me that unless we hedge very carefully the qualifications of a voter and of a member of the Territorial or insular legislature we will have an unwise act.

These islands, in common with many others in this part of the country and in Central and South America, were originally Spanish colonial possessions. In none of the colonial possessions of the Spanish Crown was there a qualification or the ability on the part of the subject to take any part in local self-government. They were governed by viceroys, by representatives of the Spanish Crown, by various names, and for many centuries there was none of the antecedent training that tends to make an American citizen.

Now, we undertake to apply our method of extending the right of suffrage of fixing qualifications to a Spanish Territory. Their traditions, their education, and their general knowledge that is necessary to make a Territorial government do not exist in Porto Rico. When we give the right to vote, I think we ought now to hedge it about with many qualifications as to age, as to sex, as to some interest in the Territorial government, such as a property qualification or the like. Such requirements are not permanent. Congress can amend at any time. I do not think we ought to extend woman suffrage to Porto Rico, and still, by the language of this bill, it will permit every woman of a given age, placed at above 21 years, to vote, unless there is some inhibition in the general act of 1900—I do not now recall—under which the government was first framed under an act of Congress after we acquired the islands under the treaty of Paris at the close of the Spanish-American War.

I do not think it would be a wise provision to permit this general right of suffrage. There are some States of the Union, Mr. President, in which a property qualification is one of the conditions under which male citizens can vote. There are some States of the Union where an educational test, the ability to read and correctly understand and interpret some section of the Constitution propounded to him by the election officials, is one of the requirements, or that he should pay taxes on a given amount of property, or some other qualification.

If that is true, it ought to be at least transplanted with some qualification to the Porto Rican. I see no objection to that.

But I think further we ought to provide these other qualifications, and before I feel disposed to support a bill of this character I should like that the amendment offered by the Senator from New Jersey be adopted, because I do not think Porto Rico is just yet at all prepared for woman suffrage. The status of women in Porto Rico is entirely different from the status of women in the United States or any of the 48 States of the Union.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. NORRIS].

The amendment was agreed to.

The VICE PRESIDENT. The question now is on the amendment of the Senator from Minnesota [Mr. CLAPP].

Mr. JONES. I wish to ask the chairman of the committee whether there is any tax exemption in Porto Rico?

Mr. SHAFROTH. I do not think there is any.

Mr. JONES. So if a person owns \$10 worth of property he will have to pay some taxes.

Mr. SHAFROTH. I think so.

Mr. POINDEXTER. Mr. President, I concur in a portion of what the Senator from Illinois [Mr. SHERMAN] has just said as to the effect of this amendment. I think if the amendment is adopted in its present form, women in Porto Rico would have the right to vote. I have no objection to that myself. I think it a meritorious feature of the amendment, with the other qualifications and conditions which are in effect. With this proviso, however, the Legislature of Porto Rico would have a right under this amendment to limit the franchise to male citizens of the United States 21 years of age, who come within one or the other of the various classes described in the amendment. This amendment, making the classes which are described in it, is not the grant of a privilege or the reservation of a right, as it has been apparently assumed in some portions of the debate. On the other hand, it is a limitation, and it leaves this condition, that the Legislature of Porto Rico, under the general powers which are granted by this act, can prescribe the qualifications of voters with the condition that they must come within one or the other of these several classes. In other words, you may take the class who can read and write, and the legislature may require in addition to that that they shall also have a property qualification. It may require in addition to that that they should have voted at the election in 1917. If the legislature should so require, it would still be within the terms of this act, because those granted the franchise would come within one of the classes here prescribed. That is all this amendment provides. The fact that the legislature should require additional qualifications would not in any way be inconsistent with the amendment.

The legislative powers of the island of Porto Rico will be vested in a legislature consisting of a senate and a house of representatives—a senate of 19 members, a house of representatives of 39 members—both branches to be elected by the people, and that legislature shall determine the qualifications of voters after the first election. This act is not very specific as to the powers of the legislative assembly. It is quite voluminous in prescribing the parliamentary procedure which shall govern the conduct of business, but practically the only specification of the power of the legislature is contained in section 37 in the most general terms:

Sec. 37. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, or repeal any or all laws and ordinances of every character now in force in Porto Rico or municipality or district thereof in so far as such alteration, amendment, modification, or repeal may be consistent with the provisions of this act.

And the further provision in section 38 that—

The Legislative Assembly of Porto Rico is hereby authorized to enact laws relating to the regulation of the rates, tariffs, and service of public carriers.

So that unless the subject matter is prohibited by the terms of this act the legislature of Porto Rico would have the power to legislate in regard to it in so far as it is applicable to the island of Porto Rico. Of course, that would include the franchise.

The VICE PRESIDENT. The question is on striking out paragraph 3 as now amended. [Putting the question.] The ayes seem to have it.

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a pair with the senior Senator from New York [Mr. O'GORMAN], who is not in the Chamber, and for that reason I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a pair with the Senator from Massachusetts [Mr. LODGE] and therefore refrain from voting.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. Not seeing that Senator in the Chamber, I withhold my vote.

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. That Senator is absent, and I have been unable to secure a transfer. I will therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. WADSWORTH (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. HOLLIS]. Not seeing him in the Chamber, I withhold my vote.

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from California [Mr. PHELAN] and vote "nay."

The roll call was concluded.

Mr. ROBINSON. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is absent on account of illness. I will ask that this announcement stand for the day.

Mr. MYERS. I inquire if the Senator from Connecticut [Mr. McLEAN] has voted?

The VICE PRESIDENT. He has not voted.

Mr. MYERS. I have a pair with that Senator, and in his absence I withhold by vote. If at liberty to vote, I should vote "yea."

Mr. BECKHAM. I inquire if the Senator from Delaware [Mr. DU PONT] has voted?

The VICE PRESIDENT. He has not voted.

Mr. BECKHAM. I have a pair with that Senator, and in his absence will withhold my vote.

Mr. VARDAMAN. I transfer my pair with the Senator from Idaho [Mr. BRADY] to the Senator from Oklahoma [Mr. GORE] and vote "nay."

I desire to state, while I am on my feet, that the Senator from Tennessee [Mr. SHIELDS] is absent on account of illness. I will ask that this announcement stand for the day.

Mr. WILLIAMS. I understand that the Senator from Pennsylvania [Mr. PENROSE] has not voted.

The VICE PRESIDENT. He has not voted.

Mr. WILLIAMS. Then I transfer my pair with that Senator to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. CLARK (after having voted in the affirmative). I inquire if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not voted.

Mr. CLARK. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. COLT. I inquire if the junior Senator from Delaware [Mr. SAULSBURY] has voted?

The VICE PRESIDENT. He has not voted.

Mr. COLT. In his absence I will withhold my vote. If at liberty to vote, I should vote "yea."

Mr. CURTIS. I have a general pair with the junior Senator from Georgia [Mr. HARDWICK]. In his absence I withhold my vote. Were I at liberty to vote, I should vote "yea."

Mr. McCUMBER (after having voted in the negative). The senior Senator from Colorado [Mr. THOMAS], with whom I have a pair, not having voted, I will withdraw my vote.

Mr. CATRON. I have a general pair with the Senator from Oklahoma [Mr. OWEN]. He being absent, I will withhold my vote.

Mr. GRONNA (after having voted in the affirmative). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], which I transfer to the senior Senator from Minnesota [Mr. NELSON] and will let my vote stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Arizona [Mr. SMITH];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

Mr. OVERMAN (after having voted in the negative). I have a general pair with the Senator from Wyoming [Mr. WARREN], who is absent. I transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and will let my vote stand.

The roll call resulted—yeas 31, nays 16, as follows:

YEAS—31.

Borah	Hughes	Martin, Va.	Sheppard
Bryan	Husting	Martine, N. J.	Smoot
Chamberlain	Jones	Norris	Sutherland
Clapp	Kenyon	Page	Townsend
Cummins	Kern	Pittman	Weeks
Fernald	La Follette	Pomerene	Williams
Gronna	Lane	Reed	Works
Hitchcock	Lea, Tenn.	Shafroth	

NAYS—16.

Broussard	Johnson, S. Dak.	Overman	Thompson
Culberson	Kirby	Poinceter	Vardaman
Fall	Lee, Md.	Robinson	Walsh
James	Oliver	Sherman	Watson

NOT VOTING—49.

Ashurst	Clark	Goff	Lippitt
Bankhead	Colt	Gore	Lodge
Beckham	Curtis	Harding	McCumber
Brady	Dillingham	Hardwick	McLean
Brandeggee	du Pont	Hollis	Myers
Catron	Fletcher	Johnson, Me.	Nelson
Chilton	Gallinger	Lewis	Newlands

O'Gorman	Shields	Smith, S. C.	Underwood
Owen	Simmons	Sterling	Wadsworth
Penrose	Smith, Ariz.	Stone	Warren
Phelan	Smith, Ga.	Swanson	
Ransdell	Smith, Md.	Thomas	
Saulsbury	Smith, Mich.	Tillman	

The VICE PRESIDENT. On the amendment of the Senator from Minnesota [Mr. CLAPP] to the amendment of the Senator from Washington [Mr. POINDEXTER] the yeas are 31 and the nays are 16. The Senator from New Hampshire [Mr. GALLINGER], the Senator from Kansas [Mr. CURTIS], the Senator from Rhode Island [Mr. COLT], the Senator from Georgia [Mr. SMITH], the Senator from South Dakota [Mr. STERLING], the Senator from New York [Mr. WADSWORTH], the Senator from Montana [Mr. MYERS], the Senator from Kentucky [Mr. BECKHAM], the Senator from Wyoming [Mr. CLARK], the Senator from North Dakota [Mr. McCUMBER], and the Senator from New Mexico [Mr. CATRON] are present and paired. The Chair declares the amendment to the amendment agreed to.

The question now is on the amendment of the Senator from New Jersey [Mr. MARTINE] in the nature of a substitute for section 35.

Mr. SHAFROTH. Mr. President, I hope the Senator from New Jersey will not insist upon that amendment, inasmuch as an amendment has been adopted which covers the matter.

Mr. MARTINE of New Jersey. I do not think it does cover the matter. It seems to me that my substitute is a clean-cut proposition, stripped of all of the "a, b, c" nonsense, and just plainly gives to the male citizens of Porto Rico who are citizens of the United States and over 21 years of age the right to vote. I press that amendment most earnestly, and I can not imagine a Democratic Senate, at least, in fact I can not imagine an American Senate voting for the propositions that are encompassed in the measure presented by the Senator from Colorado.

SEVERAL SENATORS. Question!

The VICE PRESIDENT. The question is on the amendment of the Senator from New Jersey in the nature of a substitute for section 35.

Mr. REED. Let the amendment be stated again, Mr. President. Some of us have been attending to duties on committees and could not be here.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. As a substitute for section 35 it is proposed to insert the following:

SEC. 35. That qualified electors shall be all males who are 21 years of age and over, and who are citizens of the United States.

Mr. MARTINE of New Jersey. That is a plain, clean-cut proposition.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question]. The noes seem to have it.

Mr. MARTINE of New Jersey. I ask for the yeas and nays, Mr. President.

The yeas and nays were not ordered.

The amendment was rejected.

The VICE PRESIDENT. The Chair will ask concerning the proviso which was attached to the amendment, which the Secretary will read.

The SECRETARY. There is a proviso at the end of the amendment, which was agreed to, and which reads:

Provided, That at all elections subsequent to the first election herein provided for no one shall be entitled or permitted to register or vote who is not at the time of registration or election a bona fide citizen of the United States.

Mr. SHAFROTH. That is surplusage in view of the amendment offered by the Senator from Nebraska, because he has included the same language in his amendment.

The VICE PRESIDENT. The proviso, then, will be considered out. The bill is still before the Senate as in Committee of the Whole and open to further amendment.

Mr. POINDEXTER. Mr. President, I wish merely to say a word in explanation of my vote against the motion of the Senator from Minnesota [Mr. CLAPP] to strike out clause (c) of the amendment.

Now that that clause has been stricken out, the Legislature of Porto Rico must exclude from the franchise those who are not able to read and write and did not vote at the election of 1917. If that clause had remained in the act, not only those classes but also those who by thrift and industry had accumulated a little property could be given the franchise. Because the striking out of this class is a limitation upon the franchise I voted against the motion. Many good people in that island may have had no chance to learn to read and write.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. SUTHERLAND. Mr. President, on page 6 I move to strike out lines 4 and 5, which read:

That the right of action to recover damages for injuries resulting in death shall never be abrogated.

I move to strike that out for this reason—

The VICE PRESIDENT. The Secretary seems to have a different copy of the bill.

Mr. SUTHERLAND. I am reading from the reprint. I have not the original bill in my hand.

The VICE PRESIDENT. What section is it?

Mr. SUTHERLAND. It is the last two lines of section 2.

Mr. SHAFROTH. What page and line?

Mr. SUTHERLAND. On page 6 of the print that I have.

Mr. SHAFROTH. What line?

Mr. SUTHERLAND. The last two lines.

The SECRETARY. It is on page 5, lines 23 and 24, and reads as follows:

That the right of action to recover damages for injuries resulting in death shall never be abrogated.

Mr. SUTHERLAND. Mr. President, my reason for moving to strike out those words is this: The effect of the provision would be to prevent the Legislature of Porto Rico from providing for a thoroughgoing workmen's compensation law if they desire to do so.

Mr. WADSWORTH. Mr. President, may we have order in the Chamber?

The VICE PRESIDENT rapped for order.

Mr. SUTHERLAND. Language of that character is to be found in the constitutions of some of the States, and the result has been that when they have desired to adopt so-called workmen's compensation laws they have had to resort to all sorts of devices to get around the effect of that provision, because the effect of providing that compensation shall be paid automatically for death resulting from injury is to abrogate the action for damages. The tendency in all civilized countries, including our own, is to get rid of the old common-law action for death or injury based upon negligence, and to substitute for it a law which permits the payment of compensation automatically after an accident has occurred.

For the reason that this provision will greatly interfere with the carrying out of that wholesome reform in Porto Rico, I move to strike it out.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The VICE PRESIDENT. The question is on engrossing the amendment and the third reading of the bill.

Mr. LA FOLLETTE. Mr. President, I have tried to have the corrections made, so that it is possible to know exactly what the qualifications of a voter may be and what power is left in the legislature to prescribe further qualifications. I do not know that I have the amendment before me in such form that I can possibly find my way through the corrections that have been made, in order to determine what has been adopted and what has been rejected; but, as far as I am concerned, I am not willing to leave to the Porto Rico Legislature the authority to fix qualifications for voters hereafter.

Mr. SHAFROTH. Mr. President, the Senator realizes, does he not, that the Congress of the United States retains control?

Mr. LA FOLLETTE. I do. I also realize how difficult it is to move Congress in certain directions, and I realize how potential great interests become in controlling legislation in these new governments which we set up.

Mr. SHAFROTH. Then I will suggest to the Senator, also, that the governor of the island, who is appointed by the President, has the veto power.

Mr. LA FOLLETTE. Yes.

Mr. SHAFROTH. And if they should override the veto power the matter comes to the President of the United States.

Mr. LA FOLLETTE. I realize that. But, Mr. President, I want to offer an amendment, if I can have time to do so. I have taken from the Clerk's desk the copy of the bill, to find the proper place to insert it, and I want an opportunity to offer an amendment which shall take from the legislature any authority to change the qualifications of a voter as fixed by this bill or to add any new qualifications to those which we establish for the Porto Rico electorate.

Mr. SHAFROTH. I would suggest to the Senator that there are a number of things that the Legislature of Porto Rico prop-

erly should do. For instance, it was said here on the floor of the Senate a short time ago that there is nothing in this about whether a criminal should be allowed to vote or not, and surely the Porto Rican Legislature should have the right to determine such qualifications as that. Then I hope the Senator will bear in mind that the Legislature of Porto Rico heretofore has exercised the right of extending the franchise instead of limiting it. It has been their claim and their contention that—

Mr. LA FOLLETTE. I do not want to show any discourtesy to the Senator, but I am unable to examine this bill and listen to the Senator at the same time.

Mr. SHAFROTH. Very well.

Mr. LA FOLLETTE. I do not wish to delay the Senate in the consideration of this bill, and yet I want to be sure about its provisions. I guess I had better ask for a roll call to get a little time.

Mr. OVERMAN. Mr. President—

Mr. SHAFROTH. I hope the Senator will not do that.

Mr. LA FOLLETTE. I do not want to do that.

Mr. SHAFROTH. I will not interrupt the Senator further.

Mr. LA FOLLETTE. I should like to see this bill passed. I should like to correct this amendment so that I will know its provisions.

Mr. SMITH of Georgia (after a pause). Mr. President, can we not proceed with the bill?

Mr. LA FOLLETTE. Yes; you can. Do you want to?

Mr. SMITH of Georgia. The Chair has ordered the third reading of the bill.

Mr. LA FOLLETTE. Well, I will call for a quorum, Mr. President.

Mr. SHAFROTH. I hope the Senator will not do that.

Mr. LA FOLLETTE. I will not do it if I can have time to look at this amendment.

Mr. FALL. I make the point of no quorum.

Mr. SMITH of Georgia. If the Senator had been in the Senate, he would have heard the amendment.

Mr. LA FOLLETTE. I was in the Senate.

Mr. SMITH of Georgia. Part of the time.

Mr. LA FOLLETTE. I was in the Senate all of the time.

Mr. WILLIAMS. Go ahead and fix it.

Mr. SMITH of Georgia. I looked at the Senator's chair and did not see him.

Mr. LA FOLLETTE. I have been upon the floor of the Senate.

The VICE PRESIDENT. The Senator from New Mexico suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Gallinger	Martin, Va.	Smith, Ga.
Borah	Gronna	Martine, N. J.	Smoot
Brandeggee	Harding	Nelson	Sterling
Bryan	Hitchcock	Oliver	Stone
Catron	Hughes	Overman	Sutherland
Chamberlain	James	Owen	Swanson
Chilton	Jones	Page	Thompson
Clark	Kern	Polindexter	Tillman
Colt	La Follette	Pomerene	Wadsworth
Culberson	Lee, Tenn.	Reed	Watson
Cummins	Lee, Md.	Shafroth	Williams
Fall	Lippitt	Sheppard	
Fletcher	Lodge	Sherman	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. OVERMAN. Mr. President, I consented to have the unfinished business laid aside for 15 minutes with the understanding that this bill was not to take much longer than that.

Mr. SHAFROTH. I think we are about to finish up this bill now, Mr. President.

Mr. OVERMAN. If it takes much longer, I shall have to call up the unfinished business.

Mr. JAMES. It will be passed directly.

Mr. LA FOLLETTE. Mr. President, after the word "qualifications," in line 4 of section 35, I offer the amendment which I send to the desk.

The VICE PRESIDENT. Of course it will be necessary to reconsider the vote whereby this amendment was adopted.

Mr. LA FOLLETTE. Then I move to reconsider the vote.

The VICE PRESIDENT. The question is on the motion of the Senator from Wisconsin. [Putting the question.] By the sound the yeas seem to have it.

Mr. FALL. I call for the yeas and nays, Mr. President.

The yeas and nays were not ordered.

The VICE PRESIDENT. The yeas have it, and the vote is reconsidered. Now the Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. At the end of line 4, after the word "qualifications," it is proposed to insert a comma and the words

"which shall not hereafter be altered by the Legislature of Porto Rico without the consent of Congress."

The VICE PRESIDENT. The question is on the amendment of the Senator from Wisconsin to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the amendment as amended.

Mr. FALL. Upon that I call for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. CATRON. Mr. President, what are we going to vote on?

The VICE PRESIDENT. On agreeing to the amendment as amended.

The Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). In the absence of the Senator from Delaware [Mr. DU PONT], with whom I have a general pair, I withhold my vote.

Mr. COLT (when his name was called). In the absence of my pair I withhold my vote.

Mr. GALLINGER (when his name was called). Announcing my pair with the senior Senator from New York [Mr. O'GORMAN], who is absent, I withhold my vote.

Mr. OVERMAN (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. SIMMONS (when his name was called). In the absence of the Senator from Minnesota [Mr. CLAPP], with whom I am paired, I withhold my vote.

Mr. STERLING (when his name was called). I am paired with the Senator from South Carolina [Mr. SMITH] and withhold my vote.

Mr. VARDAMAN (when his name was called). I ask if the Senator from Idaho [Mr. BRADY] has voted?

The VICE PRESIDENT. He has not.

Mr. VARDAMAN. I have a pair with that Senator and therefore withhold my vote.

Mr. WADSWORTH (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. HOLLS]. In his absence I withhold my vote.

The roll call was concluded.

Mr. GRONNA. I have a general pair with the Senator from Maine [Mr. JOHNSON], which I transfer to the senior Senator from California [Mr. WORKS] and vote "yea."

Mr. CURTIS. I have a pair with the junior Senator from Georgia [Mr. HARDWICK]. Under the circumstances I feel at liberty to vote, and I vote "yea."

Mr. BANKHEAD. I desire to announce the absence of my colleague [Mr. UNDERWOOD] on account of illness.

Mr. HARDING. I note the absence of the junior Senator from Alabama [Mr. UNDERWOOD] with whom I am paired. I therefore withhold my vote.

Mr. CURTIS. I have been requested to announce that the Senator from Arkansas [Mr. ROBINSON] is paired with the Senator from Michigan [Mr. TOWNSEND].

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. WILLIAMS. Transferring my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arkansas [Mr. KIRBY], I vote "yea."

The result was announced—yeas 41, nays 18, as follows:

YEAS—41.

Bankhead	Hughes	McCumber	Sheppard
Bryan	Husting	Martin, Va.	Smith, Ga.
Chamberlain	James	Martine, N. J.	Smoot
Chilton	Johnson, S. Dak.	Nelson	Stone
Culberson	Jones	Norris	Thompson
Cummins	Kenyon	Overman	Tillman
Curtis	Kern	Page	Walsh
Fernald	La Follette	Pittman	Williams
Fletcher	Lane	Pomerene	
Gronna	Lee, Md.	Reed	
Hitchcock	Lodge	Shafroth	

NAYS—13.

Borah	Clark	Pointexter	Watson
Brandeggee	Fall	Ransdell	
Broussard	Lippitt	Sherman	
Catron	Oliver	Sutherland	

NOT VOTING—42.

Ashurst	Hardwick	Penrose	Swanson
Beckham	Hollis	Phelan	Thomas
Brady	Johnson, Me.	Robinson	Townsend
Clapp	Kirby	Saulsbury	Underwood
Colt	Lee, Tenn.	Shields	Vardaman
Dillingham	Lewis	Simmons	Wadsworth
du Pont	McLean	Smith, Ariz.	Warren
Gallinger	Myers	Smith, Md.	Weeks
Goff	Newlands	Smith, Mich.	Works
Gore	O'Gorman	Smith, S. C.	
Harding	Owen	Sterling	

So the amendment as amended was agreed to.
Mr. LA FOLLETTE. Mr. President, the amendment is still open to amendment?

The VICE PRESIDENT. Not unless the vote is again reconsidered.

Mr. LA FOLLETTE. In the haste of formulating this amendment, which was prepared at the Clerk's desk, three words were omitted which, I believe, are necessary in order to carry out the purpose for which the amendment was offered. Without these words the amendment as adopted fails to accomplish the purpose for which it was offered. Therefore, I want to offer to further amend it, and, if it is necessary, I ask unanimous consent that the vote by which this amendment was agreed to be reconsidered.

The VICE PRESIDENT. The Senator from Wisconsin asks unanimous consent that the vote be reconsidered.

Mr. FALL. I object.

Mr. LA FOLLETTE. Then, Mr. President, I move to reconsider that vote.

The VICE PRESIDENT. The Senator from Wisconsin moves to reconsider the vote whereby the amendment as amended was adopted.

Mr. SUTHERLAND. Before voting on that question I should like to know what the Senator from Wisconsin proposes to add.

Mr. LA FOLLETTE. I propose to add, after the word "qualifications" in the amendment which was adopted, the words "and no others."

Mr. SUTHERLAND. What is the effect?

Mr. LA FOLLETTE. The effect of it would be to prevent the legislature from imposing further qualifications aside from those fixed by the provisions which we have adopted and such as Congress hereafter consents to.

Mr. SUTHERLAND. The motion is debatable, I understand.

Mr. LA FOLLETTE. I offered the previous amendment, but I find on an examination with reference to the context of the whole paragraph that it will not accomplish the purpose for which it was offered without the addition of these three words.

Mr. SUTHERLAND. I am not going to object to a reconsideration of the vote, but I intend to have something to say about the amendment itself when it is presented.

Mr. OVERMAN. If it is going to lead to a debate, I must insist on the regular order.

The VICE PRESIDENT. There was an objection to a reconsideration; so the question is on reconsidering the vote whereby the amendment as amended was adopted. [Putting the question.] The Chair is unable to decide.

Mr. FLETCHER. Let us have a division.

Mr. FALL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). In the absence of my pair I withhold my vote.

Mr. CURTIS (when his name was called). Again announcing my pair with the junior Senator from Georgia [Mr. HARDWICK], I withhold my vote.

Mr. GALLINGER (when his name was called). Again announcing my pair with the Senator from New York [Mr. O'GORMAN], who is absent, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair as before and vote "yea."

Mr. WADSWORTH (when his name was called). In the absence of the junior Senator from New Hampshire [Mr. HOLLIS] I withhold my vote and announce my pair.

Mr. WILLIAMS (when his name was called). Repeating the announcement made on the last ballot, I transfer my pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

The roll call was concluded.

Mr. GRONNA (after having voted in the affirmative). I transfer my pair with the Senator from Maine [Mr. JOHNSON] to the senior Senator from California [Mr. WORKS] and let my vote stand.

Mr. SMITH of Michigan (after having voted in the affirmative). I voted in the absence of my pair and withdraw my vote.

The roll call resulted—yeas 32, nays 11, as follows:

YEAS—32.

Borah	Fernald	James	Kern
Chamberlain	Fletcher	Johnson, S. Dak.	La Follette
Chilton	Gronna	Jones	Lane
Culberson	Husting	Kenyon	Lea, Tenn.

Lee, Md.
Lippitt
Lodge
Martine, N. J.

Norris
Owen
Page
Phelan

Shafroth
Sheppard
Smoot
Tillman

Vardaman
Walsh
Watson
Williams

NAYS—11.

Brandegee
Broussard
Catron

Fall
Hitchcock
Martin, Va.

Oliver
Ransdell
Smith, Ga.

Stone
Sutherland

NOT VOTING—53.

Ashurst
Bankhead
Beckham
Brady
Bryan
Clapp
Clark
Colt
Cummings
Curtis
Dillingham
du Pont
Gallinger
Goff

Gore
Harding
Hardwick
Hollis
Hughes
Johnson, Me.
Kirby
Lewis
McCumber
McLean
Myers
Nelson
Newlands
O'Gorman

Overman
Penrose
Pittman
Poindexter
Pomerene
Reed
Robinson
Saulsbury
Sherman
Shields
Simmons
Smith, Ariz.
Smith, Md.
Smith, Mich.

Smith, S. C.
Sterling
Swanson
Thomas
Thompson
Townsend
Underwood
Wadsworth
Warren
Weeks
Works

The VICE PRESIDENT. The yeas are 32 and the nays are 11. Senators ASHURST, BECKHAM, CURTIS, GALLINGER, HARDING, OVERMAN, and SMITH of Michigan are in the Senate paired and not voting. The motion to reconsider is carried.

Mr. OVERMAN. I understand that this amendment is going to take a long time; and if so, I feel compelled to call for the regular order. I ask that the unfinished business be proceeded with.

Mr. SHAFROTH. I appeal to the Senator from Wisconsin to withdraw his amendment and let us pass the bill.

Mr. LA FOLLETTE. The amendment which I propose to offer is only to insure the carrying out of the purpose of the amendment which the Senate adopted, and if the Senate stands by its previous vote—

Mr. WILLIAMS. Let us agree by unanimous consent to vote on it.

Mr. LA FOLLETTE. Very well; if it can be voted on in that way.

Mr. WILLIAMS. I ask unanimous consent to vote on the amendment without debate.

Mr. FALL. I object.

Mr. SUTHERLAND. I shall have to object to that.

Mr. SHAFROTH. I appeal to the Senator from Wisconsin to withdraw it. We are right here near the passage of the bill.

Mr. LA FOLLETTE. I do not want to jeopardize the final passage of the bill. If I can have the assurance of the chairman of the committee that he will use his best endeavors in conference to so change and modify the amendment as to carry out the intention and purpose of the Senate in adopting the amendment, I will not offer to amend it.

Mr. FALL. Mr. President, I desire to say to the Senator that other Senators here probably have just as sincere convictions upon this matter as he has, and should the chairman of the committee agree to the proposition, which I consider rather a remarkable one myself, as a member of the committee I will say the bill will not pass at the present time. So there will be nothing gained by the acceptance by the chairman of the proposition of the Senator from Wisconsin.

Mr. WILLIAMS. Would the Senator from New Mexico object to unanimous consent to take a vote on the amendment now?

Mr. FALL. Yes, sir; I object. I think it is a matter the Senate ought to receive a little information upon.

Mr. SHAFROTH. I appeal to the Senator from Wisconsin again.

Mr. LA FOLLETTE. The Senator ought not to do that. I am simply asking for a change in the amendment to carry out the intention of the Senate in adopting it.

Mr. SHAFROTH. The bill is likely to be defeated if it is insisted upon. The bill is a good bill.

Mr. VARDAMAN. Why can we not vote on it now?

Mr. BRANDEGEE. I ask for the regular order.

Mr. OVERMAN. I have demanded the regular order.

The VICE PRESIDENT. The Chair has nothing to do, if the Senator from North Carolina asks for it, but to lay the unfinished business before the Senate.

Mr. OVERMAN. I am compelled to do so.

Mr. SHAFROTH. Let me say to the Senator from New Mexico—

Mr. BRANDEGEE. I demanded the regular order.

Mr. SHAFROTH. I ask the Senator from New Mexico to allow a vote to be taken.

The VICE PRESIDENT. The Senator from Connecticut is demanding the regular order, and at the request of the Senator from North Carolina the unfinished business is before the Senate.

JUVENILE COURT OF THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. POMERENE. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. POMERENE, Mr. HOLLIS, and Mr. DILLINGHAM conferees on the part of the Senate.

PRISON SHIPS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 12th instant, reports on file in the Navy Department relative to prison ships, which, with the accompanying papers, was referred to the Committee on Naval Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 205) authorizing the removal of the statue of Admiral Dupont, in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 157) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the reunion of the Confederate Veterans' Association, to be held in the District of Columbia in the year 1917, and for other purposes incident to said encampment.

The message further announced that the House agrees to the amendment of the Senate to the bill (H. R. 11474) authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn.

The message also announced that the House insists upon its amendment to the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CARTER of Oklahoma, Mr. HAYDEN, and Mr. NORTON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 5672. An act for the relief of sundry building and loan associations;

S. 5890. An act to punish persons who make false representations to settlers and others pertaining to the public lands of the United States;

S. 8105. An act granting the consent of Congress to the Conway County bridge district to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas; and

H. R. 9288. An act providing for the refund of certain duties illegally levied and collected on acetate of lime.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of the Farmers' National Congress of the United States, remonstrating against the proposed reduction of the tax on oleomargarine, which was ordered to lie on the table.

He also presented a petition of the Publicity Association and Chamber of Commerce of Manchester, N. H., praying for the passage of the so-called daylight saving bill, which was referred to the Committee on Interstate Commerce.

Mr. PHELAN presented a petition of the Trades and Labor Council of Vallejo, Cal., praying for the enactment of legislation authorizing the investigation by the Government of marketing and dairy products, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. SHEPPARD. From the Committee on Military Affairs I report back adversely the bill (S. 5204) for the relief of Stephen A. Winchell, with the request that it be placed on the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 4357) to correct the military record of Joseph J. Mitchell, reported it with amendments and submitted a report (No. 1065) thereon.

Mr. LEE of Maryland, from the Committee on Claims, to which was referred the bill (S. 2581) for the relief of the heirs of Adam and Noah Brown, reported it with an amendment and submitted a report (No. 1066) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LANE:

A bill (S. 8270) granting an increase of pension to Clifford A. Lewis (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 8271) for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes; to the Committee on Fisheries.

By Mr. WALSH:

A bill (S. 8272) to authorize the Secretary of the Interior to prorate tribal funds of Indians; to the Committee on Indian Affairs.

By Mr. ROBINSON:

A bill (S. 8273) releasing the claim of the United States Government to the block or square of land in the city of Fort Smith, in the State of Arkansas, upon which is situated the old Federal jail, to the State of Arkansas, for a site for an armory and training camp of the Arkansas National Guard; to the Committee on Public Lands.

A bill (S. 8274) to prohibit interstate and foreign commerce in certain products of female labor, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 8275) to carry out the findings of the Court of Claims in the case of W. W. Busby, administrator of the estate of Evelina V. Busby, deceased, against the United States; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHEPPARD submitted an amendment authorizing the Secretary of War to acquire land for aviation purposes, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. PENROSE submitted an amendment authorizing the Secretary of the Treasury to acquire by purchase, condemnation, or otherwise, the plot of ground known as the O'Neal property, immediately east of and adjoining the present post-office site at Gettysburg, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that during the fiscal year 1918 the civilian employees under the Navy Department included on the lump-sum rolls only those persons who were carried thereon at the close of the fiscal year 1917 shall receive increased compensation at the rate of 10 per cent per annum, etc., intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment authorizing the Secretary of War to purchase certain land for the Gettysburg National Military Park, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

THE REVENUE.

Mr. WEEKS submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extension of fortifications, and for other purposes, which was ordered to lie on the table and be printed.

OFFENSES AGAINST THE GOVERNMENT.

Mr. WALSH submitted two amendments to the amendment of the committee to the bill (S. 8148) to define and punish espionage, which were ordered to lie on the table and be printed.

AGRICULTURAL APPROPRIATIONS (S. DOC. NO. 713).

Mr. SMITH of South Carolina submitted the following report:

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture

for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 14, 21, 24, 26, 29, 30, 44, 45, 48, 67, 68, 69, 70, 71, 75, 76, 77, 79, 82, 84, 98, and 101.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 9, 12, 16, 17, 18, 20, 22, 25, 34, 35, 38, 39, 40, 41, 42, 43, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 72, 78, 80, 81, 83, 87, 89, 92, 94, 95, 96, 100, 102, and 105, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: After the word "establishment" in said amendment insert a comma and the word "equipment," and strike out "\$20,000" and insert in lieu thereof "\$6,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: On page 9, line 5, strike out "\$1,468,740" and insert in lieu thereof "\$1,455,240"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: On page 9, line 6, strike out "\$1,796,640" and insert in lieu thereof "\$1,783,140"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of "\$269,200" insert "\$277,580"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: After the word "equipment" in the Senate amendment strike out the words "and maintenance"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of "\$2,004,956" insert "\$2,613,336"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of "\$3,445,326" insert "\$3,555,326"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of "\$90,010" insert "\$82,510," and in lieu of "\$15,000" insert "\$7,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of "\$112,200" insert "\$107,200," and in lieu of "\$14,000" insert "\$9,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of "\$2,460,530" insert "\$2,480,530"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of "\$3,123,630" insert "\$3,143,630"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Before the figures "\$1,200" in the Senate amendment insert the words "not exceeding"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Transpose the comma and the figures "\$60,100," following the Senate amendment, to a position preceding said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of "\$1,814,567" insert "\$1,817,567"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of "\$3,261,475" insert "\$3,264,475"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of "\$5,709,275" insert "\$5,712,275"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of "\$2,992,580" insert "\$2,972,580"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of "\$3,127,660" insert "\$3,107,660"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of "\$813,395" insert "\$843,395"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of "\$1,688,575" insert "\$1,718,575"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: Strike out the language "same to be additional to the existing 80 acres now used as a plant-introduction field station" and transfer the paragraph as thus amended to page 24, between lines 18 and 19 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of "\$139,500" insert "\$104,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of "\$160,000" insert "\$125,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of "\$24,581,213" insert "\$24,679,113"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of "\$25,831,213" insert "\$25,929,113"; and strike out the new language added by the Senate amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of "\$480" insert "\$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of "\$480" insert "\$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of "\$1,000" insert "\$1,500"; and the Senate agree to the same.

E. D. SMITH,
HOKE SMITH,
F. E. WARREN,

Managers on the part of the Senate.

A. F. LEVER,
GORDON LEE,
G. N. HAUGEN,

Managers on the part of the House.

The VICE PRESIDENT. The report will lie on the table and be printed.

ORDER OF BUSINESS.

Mr. SMITH of Georgia. I ask that the action of the House upon the conference report on Senate bill 703 be laid before the Senate. I wish to say to the Senator from North Carolina if it takes 10 minutes I will not ask to proceed with its consideration. I think there will be no objection at all to concurring in the action of the House, and we can dispose of it at once.

Mr. LA FOLLETTE. What is the bill, I inquire?

Mr. SMITH of Georgia. The vocational educational bill.

Mr. OVERMAN. It is the conference report?

Mr. SMITH of Georgia. It is the conference report. The House has acted upon the conference report.

Mr. SMOOT. I have no objection to its present consideration, but I have not had time to read the report; and if the report is laid before the Senate I will ask the Senator to make a statement as to what the changes are.

Mr. SMITH of Georgia. I can do that in two minutes. We yielded only two propositions, and those not substantial.

The VICE PRESIDENT. Is there objection?

Mr. OVERMAN. The Senator agrees as he has stated.

Mr. SMITH of Georgia. If we can not pass it in 10 minutes, if there is any debate, I will ask leave to withdraw it.

Mr. POINDEXTER. I object, Mr. President.

I move that the Senate proceed to the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes. I hope this motion will be adopted, because it is evident we can dispose of the bill in probably 15 or 20 minutes.

Mr. OVERMAN. I will say to the Senator that Senators have stated to me that the Porto Rican bill will take some time, and they are not going to let it pass without debate. Therefore I hope the Senate will vote down the motion of the Senator from Washington.

Mr. POINDEXTER. I ask for the yeas and nays on my motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). In the absence of my pair I withhold my vote.

Mr. CURTIS (when his name was called). Again announcing my pair with the junior Senator from Georgia Mr. [HARDWICK], I withhold my vote.

Mr. SMOOT (when Mr. GALLINGER's name was called). I desire to announce the unavoidable absence of the Senator from New Hampshire [Mr. GALLINGER]. He has a general pair with the senior Senator from New York [Mr. O'GORMAN].

Mr. WILLIAMS (when his name was called). Transferring my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. SHIELDS], I vote "yea."

Mr. VARDAMAN (when his name was called). I transfer my pair with the junior Senator from Idaho [Mr. BRADY] to the senior Senator from Oklahoma [Mr. GORE] and vote "yea."

The roll call having been concluded, it resulted—yeas 22, nays 25, as follows:

YEAS—22.

Asburt	Johnson, S. Dak.	Poinexter	Walsh
Bryan	Kenyon	Shafroth	Watson
Cummins	La Follette	Sheppard	Williams
Hitchcock	Lane	Sherman	Works
Hughes	Norris	Tillman	
James	Page	Vardaman	

NAYS—25.

Borah	Fletcher	Oliver	Sterling
Brandegge	Husting	Overman	Sutherland
Chamberlain	Jones	Pittman	Thompson
Chilton	Lippitt	Ransdell	Townsend
Culberson	Lodge	Smith, Ga.	
Fall	Martine, N. J.	Smith, S. C.	
Fernald	Nelson	Smoot	

NOT VOTING—49.

Bankhead	Gore	Martin, Va.	Smith, Ariz.
Beckham	Gronna	Myers	Smith, Md.
Brady	Harding	Newlands	Smith, Mich.
Broussard	Hardwick	O'Gorman	Stone
Catron	Hollis	Owen	Swanson
Clapp	Johnson, Me.	Penrose	Thomas
Clark	Kern	Phelan	Underwood
Colt	Kirby	Pomerene	Wadsworth
Curtis	Lea, Tenn.	Reed	Warren
Dillingham	Lee, Md.	Robinson	Weeks
du Pont	Lewis	Saulsbury	
Gallinger	McCumber	Shields	
Goff	McLean	Simmons	

The PRESIDING OFFICER (Mr. CHILTON in the chair). On this vote the yeas are 22 and the nays are 25. The Senator from Kentucky [Mr. BECKHAM], the Senator from Kansas [Mr. CURTIS], and the Senator from New Mexico [Mr. CATRON] are present and not voting. So the motion of the Senator from Washington [Mr. POINDEXTER] is lost.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, I now ask that the Presiding Officer lay before the Senate the action of the House of Representatives upon the conference report on Senate bill 703, which was a concurrence in the conference report.

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent that the conference report on Senate bill 703 be now laid before the Senate. Is there objection?

Mr. JONES. Mr. President, I want to say to the Senator having the measure in charge, which is now the unfinished business—the Senator from North Carolina [Mr. OVERMAN]—as we have been proceeding heretofore by taking up one bill and talking about it a little while, then setting it aside and taking up another bill, and all that sort of thing, that I shall hereafter, if I am present, object to unanimous consent to the laying aside of the unfinished business for the consideration of anything except conference reports, appropriation bills, and the revenue bill.

Mr. OVERMAN. The unfinished business has only been laid aside once, and every Senator realized that that was all right,

as it was to conclude the consideration of the Porto Rican bill, the understanding being that on the present occasion it would only take three or four minutes to dispose of it; but after the debate proceeded it was realized that the consideration of that bill would take up so much time that it was impossible to conclude its consideration, and therefore I made the motion which I did.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia [Mr. SMITH]? The Chair hears none, and lays the conference report referred to before the Senate.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

Mr. SMITH of Georgia. Mr. President, I will state to Senators that the only amendments of any importance are those which I have mentioned. First, we extend the date one year later. In our original bill we expected to get ready to operate in 1916-17. Now, we have extended it to begin in 1917-18. In the bill as it passed the Senate we provided a vocational board to be in charge of the work, consisting of the Postmaster General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. The House rejected all Cabinet officers, and provided for a board of five men, one representing manufacturing, one representing commerce, one representing agriculture, one representing labor, and I do not know who the fifth member was, but one representing something else.

Mr. SMOOT. All to be appointed by the President.

Mr. SMITH of Georgia. All to be appointed by the President. We adjusted that difference between us by retaining the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and making the Commissioner of Education a member of the board. Under our original bill he was not a member of the board, but was the executive officer. We abandoned him as an executive officer, and put him on the board. Then we added three additional members, to be named by the President, one of whom should be a representative of manufacturing and commerce, one a representative of agriculture, and one a representative of labor. We have merged the two ideas into one.

Mr. SMOOT. The board will consist of seven members, instead of five, as the Senate bill provided?

Mr. SMITH of Georgia. Yes. We also had a provision in the Senate bill that named four men, to be selected by the board, to be directors—one the general director of vocational education at a salary of \$7,500, one a specialist in agriculture, one a specialist in trades and mechanical arts, one a specialist in commerce, and one a specialist in domestic science or commerce. We named the specialists and fixed their salaries. We gave that up; but left the broad power in this board to determine whether specialists were needed, and, if so, to fix their salaries. We put that provision as to salaries in the Senate bill largely because we wanted to be sure that they would be high-class men. After conference with the House conferees we concluded that we should leave the board unrestricted, for it might be that they would want a man who would require even a higher salary than the highest we had named. We felt that the board ought to put at the head of this work the very ablest man who could be found in the United States who would take charge of it.

Mr. SMOOT. Then, under the provisions of the conference report there would be no limit at all placed upon the wage of any of the employees?

Mr. SMITH of Georgia. None at all, except that the board is given \$200,000 for its own use to promote the organization and the development of the work. The salaries of the members of the board, however, are only \$5,000 each.

Mr. SMOOT. I will say to the Senator from Georgia that perhaps that will be satisfactory for the first year; but in the next appropriation bill providing the funds for carrying out the provisions of the bill I hope the Senator will agree with us that each officer shall be specifically provided for and his salary fixed.

Mr. SMITH of Georgia. The Senator from Utah knows that that is one of the theories that I have always urged and pressed.

The original bill as prepared by our joint committee did not contain the paragraph naming the salaries of these five experts. I wrote that myself, and asked the Senate to adopt it, but the House declined to adopt it. We felt that at least for the first year we could leave it to the board, broadly organized as it is, to start the work without restriction. That is practically all that we yielded. The House yielded on the other matters.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

The report was agreed to.

Mr. SMITH of Georgia. There is a concurrent resolution in connection with this matter, which the House of Representatives has passed. We use the word "name" at one place in the House conference report, where we meant to convey the meaning covered by the resolution; and after the adoption of the conference report the House passed the resolution.

The PRESIDING OFFICER. The Chair lays before the Senate the concurrent resolution from the House of Representatives, which will be read.

The Secretary read the concurrent resolution, as follows:

House concurrent resolution 75.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 703, entitled "An act to provide for the promotion of vocational education, to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries, to provide for cooperation with the States in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure," the Secretary of the Senate be, and he is hereby, authorized and directed to strike out the word "name" and to insert in lieu thereof the words "designate or create," in the third line of the second paragraph of section 5, as the same appears in the conference report on said bill and amendment.

Mr. SMITH of Georgia. The word "name" applies to authority to the governor, pending the action of the legislature, to name a board. This language, it was desired, should be uniform.

The PRESIDING OFFICER. The question is on concurring in the resolution.

The resolution was concurred in.

Mr. SMITH of Georgia. I thank the Senator from North Carolina [Mr. OVERMAN].

OFFENSES AGAINST THE GOVERNMENT.

Mr. OVERMAN. As I understand, Mr. President, the unfinished business is now before the Senate.

The PRESIDING OFFICER. It is.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8148) to define and punish espionage.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. The pending amendment is one which was offered by the junior Senator from Oklahoma [Mr. OWEN], on page 10, line 9, to strike out the word "defeat" and to insert the word "influence"; and, in line 10, to strike out the words "in relation to such dispute or controversy" and to insert the words "or any branch thereof."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

Mr. OVERMAN. Mr. President, I think the Senator from Oklahoma ought to be present when that amendment is acted upon. I hope no action will be taken on the amendment until he comes in. I ask unanimous consent that it be passed over temporarily.

The PRESIDING OFFICER. Without objection, that course will be pursued.

Mr. OVERMAN. The question we were considering yesterday was an amendment offered by the Senator from Iowa [Mr. CUMMINS]. He withdrew the amendment, however, and offered another amendment. If he will introduce that now, I think this would be the proper time to consider and dispose of it. We had quite a debate yesterday on the subject.

Mr. OWEN entered the Chamber.

Mr. CUMMINS. Mr. President, I am quite willing that the amendment proposed by the Senator from Oklahoma be now taken up.

Mr. OWEN. It will take only a moment. On page 10, I suggested an amendment in line 9.

The PRESIDING OFFICER. The amendment has just been stated, but, in the absence of the Senator from Oklahoma, it was, by unanimous consent, laid aside.

Mr. OWEN. The purpose of the amendment which I proposed was to broaden the matter so as to cover an untrue statement orally or in writing under oath which had a view or intent to influence any measure of or action by the Government of the United States or any branch thereof. The amendment makes it broad. We ought not, I think, to permit false statements in writing to be made to influence the Government of the United States. The Senate will doubtless remember in the *Lusitania* case that there was a man who made a false affidavit with regard to munitions of war, arms, and cannon on the *Lusitania*. It was on the basis of that false statement that Germany is supposed to have sunk the *Lusitania*. A similar affidavit might be made by a United States citizen that would lead to most mischievous consequences. The language ought, therefore, to be

made as broad as possible. That is all I wish to suggest. I think it is obvious that that ought to be the law.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. On page 10, line 9, it is proposed to strike out the word "defeat" and to insert the word "influence," and in line 10 to strike out the words "in relation to such dispute or controversy" and to insert the words "or any branch thereof."

The PRESIDING OFFICER. Are the two amendments to be considered together?

Mr. OWEN. I ask that they may be considered as one amendment.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole.

Mr. STERLING. Mr. President, at this point I should like to inquire what was done, if anything, with the words "under oath," in line 2, on page 10? Were they left in the bill? I know there was some discussion on the point last evening, and I thought at one time that they had been stricken out.

Mr. OVERMAN. They were left in the bill, because it was stated that the objection was covered in another section. The chapter was not amended at all.

Mr. STERLING. Mr. President, it occurs to me that statements injurious to the Government and having a tendency to hinder or injure the Government in its operations can as well be made without being made under oath as if they were made under oath. I hardly see why it should be required that statements of this kind, in order that the party uttering them should be punished, should be required to be made under oath. The statements aimed at are those intended "to influence the measures or conduct of any foreign Government," which statements in order to be injurious need not be under oath.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Michigan?

Mr. STERLING. I do.

Mr. SMITH of Michigan. If the Senator's theory is worked out practically, we will be obliged to enforce it on our Mexican border, where statements are made not only derogatory to the Government, but truthful; and, if so made, and the Government believe them to be untrue, the person uttering them must be apprehended under that very extraordinary power.

Mr. STERLING. I would say, Mr. President, that the object of this provision is to punish such statements as will tend "to influence the measures or conduct of any foreign Government." I will say further to the Senator from Michigan that I think such statements are more often made not under oath than under oath; and those are the very statements that do influence the conduct of a foreign Government to the detriment of the Government of the United States. They are not statements made under oath.

Mr. OVERMAN. Mr. President, I think the Senator's suggestion, if adopted, would make the provision too broad. Statements made in a simple conversation or idle talk might render a man liable to indictment. This provision is intended to cover cases where a man swears absolutely to some fact rather than to include the case of a man who may casually talk about a matter. I think to do that and to say that we will indict that man on the ground that his remarks might tend to influence a foreign Government would be going a little too far.

Mr. STERLING. But, Mr. President, the statute sought to be enacted here requires that he shall have "knowledge or reason to believe" that the statement will "influence the measures or conduct of any foreign Government." It does not mean mere casual statements but statements made with a deliberate purpose and with a knowledge or belief that they will influence the conduct of a foreign Government.

Mr. WORKS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. WORKS. I was not here when this bill was under discussion yesterday, and I should like to know whether there is some particular chapter that is before the Senate now, or whether the bill is before the Senate generally.

The PRESIDING OFFICER. The entire substitute is before the Senate; the whole matter is before the Senate.

Mr. WORKS. I should like to address myself for just a few moments to chapter one, which, I think, calls for serious consideration. This is a time when the public mind is excited and inflamed and we are very likely to go too far in legislation of this kind. It is a time when, I think, we should be cautious, for we are likely to take away some of the liberties

and privileges of American citizens by legislation of this kind that I think ought not to be trespassed upon, and I want to call attention to the broad provisions of chapter 1. It provides in the beginning, in section 1:

SECTION 1. That (a) whoever, for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, approaches, goes upon, or enters, files over—

And so forth.

Now, there is no limitation upon that, except that he shall not be "lawfully entitled" to the information. I should like to know—and perhaps the acting chairman of the committee can tell me—who is regarded under that section as being lawfully entitled to secure information about the affairs of government, including its defenses. I think a subsequent section of the act tends to construe that particular provision, that is very loose in its terms, for in section 6 it is provided:

SEC. 6. The President of the United States shall have power to designate any place other than those set forth in paragraph (a) of section 1 hereof as a prohibited place for the purposes of this chapter, on the ground that information with respect thereto would be prejudicial to the national defense; he shall further have the power, on the aforesaid ground, to designate any matter, thing, or information belonging to the Government, or contained in the records or files of any of the executive departments, or of other Government offices, as information relating to the national defense, to which no person—

Now, mark the language—
(other than officers and employees of the United States duly authorized) shall be lawfully entitled within the meaning of this chapter.

Under those two provisions of the section no American citizen would have the right to make inquiry or seek information as to the condition of the defenses of the Government. It seems to me that is going a long way.

It will be noticed, Mr. President, that it is not required, in order to bring a citizen within the provisions of this act, that he should be seeking this information for any improper purpose or with any ulterior motive. The mere fact of a citizen of the United States seeking the information, even for the most innocent purposes, makes him a criminal under the provisions of this proposed substitute. This will be noticed with respect to all of the provisions contained in section 1.

As I have said, the first clause of the section that I have already read applies simply to obtaining information respecting the national defense, and further along, where there are additional acts prohibited, the clause is "contrary to the provisions of this chapter," and then there is the provision I have already read, which shows, I think, quite clearly that the President may on his own motion designate any place in the United States that he thinks the people of this country ought not to know about, and when he designates it, if any citizen undertakes to obtain any information with respect to it he becomes a criminal.

Of course, if this was intended to prohibit the securing of information for any improper purpose—for example, for the purpose of disclosing it to some foreign nation or to use it in any improper way—I should have no objection to it, and I think it would be entirely proper; but certainly, to my mind, it is going altogether too far to deny any American citizen the right to seek information for innocent purposes with respect to any portion of the Government and its condition.

I am only now briefly calling attention to objections which I think are pertinent to this particular chapter and to the particular section to which I have referred.

GEORGE W. LALAND.

Mr. BRADY. Mr. President, out of order I ask unanimous consent to make a report from the Committee on Military Affairs.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent to make a report from the Committee on Military Affairs. Is there objection? The Chair hears none, and the report will be received.

Mr. BRADY. From the Committee on Military Affairs I report adversely the bill (H. R. 4360) for the relief of George W. Laland. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. The Senator from Idaho moves that House bill 4360, which he has reported adversely, be indefinitely postponed.

Mr. BRADY. I have another report to present, Mr. President.

Mr. OVERMAN. Mr. President, I am bound to object to morning business being introduced at this time.

The PRESIDING OFFICER. It is too late. The Senator did not object.

Mr. OVERMAN. I did not understand for what purpose the Senator had risen.

The PRESIDING OFFICER. The Chair asked if there was objection, and there was none.

Mr. PENROSE. Mr. President, I desire to offer an amendment to a pending appropriation bill.

The PRESIDING OFFICER. There is a matter pending before the Senate.

Mr. OVERMAN. I call for the regular order.

The PRESIDING OFFICER. The regular order is before the Senate.

Mr. OVERMAN. The regular order is the unfinished business. I did not understand the Senator to get unanimous consent to introduce morning business.

The PRESIDING OFFICER. The Chair understood unanimous consent was given, and the Senator from Idaho presented a report.

Mr. PENROSE. Does the Senator from North Carolina object to my presenting an amendment to the naval appropriation bill?

Mr. OVERMAN. I understand there is another matter before the Senate.

Mr. BRADY. Does the Senator from Pennsylvania object to my presenting the report?

The PRESIDING OFFICER. Let the Chair explain the situation. The Senator from Idaho asked unanimous consent to make a report. Unanimous consent was given. He has made the report. It is an adverse report, and he moves that the bill be indefinitely postponed. The question is on that motion.

The motion was agreed to.

Mr. BRADY. I desire to present another report.

Mr. OVERMAN. I object to any further business except the regular order.

The PRESIDING OFFICER. Is there objection to the other request of the Senator from Idaho. The Chair hears none.

Mr. OVERMAN. I objected to any more business being presented while the unfinished business is pending. I thought I had stated that.

The PRESIDING OFFICER. There is objection. The regular order will be proceeded with.

OFFENSES AGAINST THE GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8148) to define and punish espionage.

Mr. CUMMINS. Mr. President, as I understand, this measure, consisting of a series of bills, is now before the Senate. It gets before the Senate and then disappears so quickly that I am never certain just what is under consideration. I have no great objection to any of the bills which have been incorporated in the pending measure save one. I think that the amendment which I proposed yesterday to certain of them, or an amendment of that general character, ought to be adopted; but my chief objection is to chapter 1, concerning which the Senator from California [Mr. WORKS] has just submitted some very pertinent observations. I defer offering the amendment which I have to propose to subsequent chapters, and which relates to the use by the President of the Army and Navy for the enforcement of our laws, until a later time, but, in order that those Senators who are here may be apprised of the character of the amendment I shall offer, I ought to read it, having changed its phraseology somewhat as compared with the amendment I offered yesterday. I intend to offer finally to section 8 of chapter 9, page 24, the following addition:

Provided, That without the further authority of Congress such armed force shall not be used beyond the territorial limits of the United States to commit an act of war against a nation with which the United States is then at peace.

I mention the subject now, for I believe that it well deserves some thought on the part of the Senate; and I hope that before we reach that part of the bill those who think that we ought not to abdicate and surrender the power of Congress in this regard to the Chief Executive will give the matter attention. I call now to the minds of Senators chapter 1.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. CLAPP. Mr. President, in connection with the proposed amendment I simply want to suggest to the Senator—I am in harmony with the purpose and spirit of his position—if cases ought not to be excepted from it where the act occurred in consequence of some act within our territorial limits that necessarily resulted in pursuit. I will not press it now. I just make the suggestion for later consideration; that is all.

Mr. CUMMINS. The suggestion made is worthy of consideration. Possibly I have not phrased it as carefully as it should be phrased, but it expresses my general idea with regard to the use of the Army and the Navy in time of peace by the President.

Mr. President, we have just been manifesting great solicitude for the citizens of Porto Rico. I think that the interest which the Senate has indicated in preserving to the citizens of that island some of the rights and privileges of people of free countries is very praiseworthy, and I sincerely hope that, as the Senate comes to examine chapter 1 of this bill, its Members will feel the same concern with regard to the rights and privileges of citizens of the United States residing in continental North America.

I want it clearly understood that I am not approaching an analysis of this question from the standpoint of an extreme pacifist. I believe in adequate preparation against invasion. I believe in an army and a navy that will and can protect the shores of this country from every enemy in the world.

Mr. BORAH. Mr. President, may I interrupt the Senator to ask at what particular point that amendment goes in?

Mr. CUMMINS. The one that I mentioned a few minutes ago?

Mr. BORAH. The one that the Senator just read.

Mr. CUMMINS. It is added to section 8, on page 24.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I yield.

Mr. WORKS. I think that in this connection it ought to be borne in mind that the provisions of chapter 1 are not confined to time of war at all, but extend to a time of peace.

Mr. CUMMINS. That is one of the first things that I intended to say when I reached that part of my address.

I do not want to be accused of any lukewarmness in the national defense, although I may differ from some of my associates with respect to the measure of defense necessary to successfully protect this country against inroads or aggressions from abroad. I desire it to be also understood that in time of war I have no desire to restrict the power of the Commander in Chief of our Army and our Navy. I am quite willing that in the territory in which martial law is declared the civil rights of citizens shall, for the time, be subordinate; but I am unwilling that, in time of peace, the privileges and safeguards of the people of the United States which have been regarded through all the ages as necessary to the protection of the people in a free country shall be repealed or withdrawn. I am unwilling that a great number of new and strange offenses shall be created which will draw within themselves a large part of the population of a country which indulges in free speech and free thought, when not necessary to protect either the territory or the honor of the Republic.

Even in time of war the district which would probably be covered by martial law is small in proportion to that part which will be amenable to the civil laws, and in which the ordinary business of American citizens will be carried on, I hope, in the ordinary way. I intend to analyze this chapter a little more fully than did the Senator from California. If I believed that it was necessary to create a proper national defense, to pass laws of this sort, I would rather go unprepared into the conflict than to subject the people of this country to the dangers, the menace, contained in such legislation.

Let us see. I am confining myself now to chapter 1, and I direct your attention to section 1 of chapter 1. There are two things to be remembered in considering it. First, as stated by the Senator from California [Mr. WORKS], it governs us in peace as well as in war. Now, that is not true of the entire chapter. There are some paragraphs of the chapter which are applicable only in time of war; but this particular section of the chapter, section 1, would be in force in times of the profoundest peace.

Second—and I hope those who are here will remember that what I am now saying applies to every provision of section 1—it is not required to be shown that the offender intended either to injure his own country in any degree, or that he intended to aid or abet another country in any degree, whether that other country at the time is at peace or in war.

With those two thoughts or bases in mind, I begin to read section 1:

That (a) whoever, for the purpose of obtaining information respecting the national defense—

My first inquiry is this: What is the national defense? Those words are not defined; they are in no wise qualified or restricted; and the first question that must be answered in determining whether or not a citizen is guilty of the offense of this paragraph is, Is he attempting to obtain information respecting the national defense?

We have had a good deal of discussion in recent months about the national defense, and I should like to know—I am not asking for an answer just at this moment—the views of Sena-

tors with regard to the meaning of that term. Is it confined to the Army and the Navy? Evidently not, for it is universally agreed that it extends to all manufactories engaged in producing arms and munitions of war. But is it confined to manufactories engaged in producing the things that are directly used in war, or is it to be extended to every national energy which makes up an adequate and effective national defense?

I have heard it applied, and so have you, to agriculture. It is said that it is necessary to make stable, permanent, and general the development of our fields in order that in time of war our armies may be successfully sustained, or our citizens adequately fed. I have heard it applied to schools, because it is alleged that we can not create an adequate national defense unless we have cultivated the heart and the mind. I do not believe it will be asserted here that the words "national defense" do extend to these things, but no one can tell to what they extend. They may mean, I suppose, anything that is necessary in order successfully to defend ourselves against an enemy or successfully to attack an enemy, if attack is the approved method of defense at any given time. I should think that it would include everything from the mines and the forests which ultimately pass into the structures or the arms that are used in war, no matter whether they are used immediately in battle, or whether they are used in general connection with the Army or the Navy.

I ask Senators to observe, second, that this information respecting the national defense is forbidden to every person not lawfully entitled to it.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I yield to the Senator.

Mr. WALSH. I think a very erroneous idea is to be gathered from the statement of the Senator and from the comments that he has been making about this matter. It is not necessary, in my estimation, closely to define what is meant by "national defense" here; and the bill does not make criminal, as might seem to be gathered from the remarks of the Senator, the gathering of information about the national defense. The remark concerning national defense is in the nature of inducement. There are certain acts denounced by the bill, namely—

Mr. CUMMINS. I have not reached that part of my argument yet, but I will approach it in a moment.

Mr. WALSH. But the point I was making was that it was to be gathered from the remarks of the Senator that the bill made criminal the gathering of information concerning the national defense.

Mr. CUMMINS. I said that was one of the elements of the crime. The person must be endeavoring to obtain information respecting the national defense; and when you have proved that the person who is arraigned or under charge has obtained information respecting the national defense, you have proved the first thing necessary to be established in order to constitute the crime.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I yield to the Senator from California.

Mr. WORKS. It seems to me that the only other element necessary to constitute the crime under this section is that he should not be lawfully entitled to that information. According to my construction of this and another section of the bill, as I suggested a while ago, nobody would be lawfully entitled to any information relating to the national defense except the officers having that matter directly in charge. If that be so, no American citizen has the right to inquire at all into the national defense of the country, and therefore no right or authority to investigate or to inquire into the conduct of the officers who have that matter in charge.

Mr. CUMMINS. Mr. President—

Mr. WALSH. Mr. President, if the Senator will pardon me—

The PRESIDING OFFICER. Does the Senator from Iowa further yield to the Senator from Montana?

Mr. CUMMINS. I am just about to pass on to the subject mentioned by the Senator from California.

Mr. WALSH. I was merely desirous of remarking that it occurs to me that the thing is turned around. When the prosecuting attorney goes to make a case ordinarily, he proves the act first, and the intent afterwards. The act is defined here, The national-defense business refers simply to the intent with which the act is done.

Mr. CUMMINS. Mr. President, I am not trying to arrange the order of the testimony that would be brought in upon the trial of one charged with a crime under this paragraph. I am

simply endeavoring to state the elements of the crime, and who would be subjected to the penalty of the law if its provisions were carried out.

I resume where I was interrupted.

The next inquiry, after ascertaining whether the information is sought respecting the national defense, is, Was the information sought by one lawfully entitled to it? Now, I restate the inquiry of the Senator from California [Mr. WORKS]. Who is lawfully entitled to information respecting the national defense? We have no statute prescribing who is entitled to such information. There is no common law determining who is entitled to such information, and I do not know whether all the officers of the Army would be entitled to it, or the officers of the Navy. I do not know whether anybody but the Commander in Chief would be entitled to it. I fancy that in time of war, under some circumstances, no one but the commanding officer is entitled to information that might imperil the force under his command if it were to be disclosed.

Whoever drew those words or whoever is responsible for those words, as it seems to me, does not understand American liberty at all, and has no sympathy with our institutions. He is imagining that we have returned to a time when the citizens of the country are to be kept in absolute ignorance of all public matters pertaining to the national defense. I am not authorized, of course, to say what was in the mind of the draftsman of this bill. It came from the office of the Attorney General. The Judiciary Committee had very little to do with it. I do not mean by that to disparage the action of the Judiciary Committee; for if a majority of the Judiciary Committee had really considered this bill from the usual standpoint, if it had emanated from a member of the Judiciary Committee or any Member of the Senate, and the committee had maturely and intelligently reflected upon it, its action would have great weight with me, and I have no doubt would have equal weight with all the Members of Congress.

Mr. OVERMAN. Mr. President—

Mr. CUMMINS. Just a moment. Now, I do not mean to say that it does not express the conviction of the members of the Judiciary Committee who joined in the report. I assume that it does; but what I do mean to say is that it is not the product of any Member of the Senate, and was received by the Judiciary Committee with the authority passing with it that we all recognize in so learned and so influential a department of the Government as the Department of Justice.

I now yield to the Senator from North Carolina.

Mr. OVERMAN. Mr. President, I am sorry the Senator from Iowa did not attend our meetings. If he had, he would have found that this bill, of all bills, was maturely considered. It was more maturely considered than any other bill we had before us. He also knows that this is a substitute for the bill sent down by the Attorney General. It has been amended in many particulars, and when it is said that this bill was not considered I have to say to the Senator that it was considered more than any other bill.

We had the benefit of the Senator's great ability and advice in regard to some of these bills. I am sorry he was not there when this one was considered; but if he had attended the meetings he would have found that we considered this particular bill for nearly a week.

Mr. CUMMINS. Mr. President, I did not say that it was not considered. I said it was not considered in the way it would have been if it had emanated from another source, namely, a legislative instead of an executive source. I do not believe in that practice, and everybody knows that. I have repeated it so often that my opinion gains no weight by repeating it again.

I was present when this bill was considered originally, and, as I recall, the only material amendment was one made because I objected to a part of the bill, and with all deference to the members of the committee the amendment seems to me to make it worse than it was originally. But however that may be, to me it is simply inconceivable that the Judiciary Committee, free from any influence of an executive character, and free from the fear which grows out of the approaching war, would report a bill of this character, for I have already said, and I challenge an answer to it when the time comes, that you can not describe the national defense so that any citizen can tell whether, when he is trying to secure information, he is beginning the commission of a crime or not. You can not tell who is lawfully entitled to information concerning the national defense. We have neither custom nor statute which will inform the citizens of the country upon that subject. I can see no reason why it could not be held that all the citizens of the country, Members of Congress as well as those in private life, were not lawfully entitled to information concerning the national defense, and I ask the Senator from North Carolina if he is entitled to information concerning the

national defense, where did he get the authority? Much less would any private citizen be entitled to information concerning the national defense.

Bearing these things in mind, I pass on to a further part of this paragraph, and I am going over it paragraph by paragraph; and if it were not for the deep respect which I feel for every member of the Judiciary Committee I should characterize this part of the bill as monstrous.

Mr. WORKS. Before the Senator leaves that subject, I understand the Senator to say that no private citizen has any lawful right to obtain information of this kind. Does the Senator mean that?

Mr. CUMMINS. No; I did not mean it in that sense. What I meant is that no private citizen can trace his title to information concerning the national defense to any statute or to any custom that has the force of law. I believe that every private citizen has a right to information concerning the national defense, but I do not know how a court would construe that language.

Mr. WORKS. That is precisely what I wanted to suggest to the Senator. The serious objection that I make to this bill in that respect is that the object and purpose of it is to deny to the American citizen the right to make any inquiry or to get any information respecting the national defense.

Mr. CUMMINS. If I were construing the words that I have been discussing I would say the idea is that the authority on the part of anyone to receive information concerning the national defense must come from the President of the United States, the commander of our armed forces. I proceed:

That whoever, (a) for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, approaches—

Mark that word, if he "approaches"; remember its significance as I read further—

goes upon, or enters, flies over, or induces or aids another to approach, go upon, enter, or fly over any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense—

Again, we have a description which is so vague and uncertain that no citizen ought to be subjected to a criminal prosecution because he was unable to determine what place is connected with the national defense. I proceed—

owned or constructed, or in progress of construction by the United States, or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place—

Now, mark you—

or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States.

I pause there. The Government arsenals and dockyards and ships and forts are fairly definite. They belong to the Government; and I suppose if the President wants to exclude every person from their limits he has a right to do it, at least I will not quarrel with that authority on his part. But a large part of our armament is constructed under contract with various companies. We are building battleships now under contract in a private yard, and if a citizen were to approach a private shipyard at Newport News or at Fore River in order to secure information respecting a ship being built in such a yard, no matter how innocent he might be in his intent, no matter whether he intends to use the information for any purpose that could be prejudicial to our country, he becomes a criminal.

I venture to say, and I will prove it before I get through, if this chapter had been the law for the last 10 years one-half of the intelligent people of the United States could have been sent to the penitentiary for varying periods, from 3 to 30 years. I myself have violated the provisions of this proposed statute during the last two years scores of times, and I think the Senator from North Carolina has been equally guilty, and I think it is greatly to his credit that he has been guilty of doing the things that are forbidden by this chapter.

Remember now, it is any approach to any manufactory in which anything is being manufactured for the Government or made for the Government. A man who approached the Bethlehem Steel Works or the Midvale Steel Works or the United States Steel Corporation works, in some of its plants, I assume, in order to get information, without regard to the purpose for which he intended to use it, would at once become a violator of this law.

I am not asserting that this administration would use the law to vex the good citizens of the United States, but I am not willing to give any officer the power when occasion may seem to

require it to subject the people of the country to any such penalties as are here prescribed, or to turn innocence into crime in a way that shocks the moral sense of every man who fairly grasps and comprehends what we are here attempting to do.

But I have not yet reached the climax of this particular paragraph. We have now seen that if anyone approaches any of these things, forts, docks, arsenals, boats, yards, railroads or other property over which the United States is said to exercise an exclusive control, if he approaches any manufactory or yard where something is being made for the Government, he becomes at once subject to the operation of this statute.

But as hard and as unnecessary as any such provisions may be, that is not the worst of it. We have attempted to describe here in a legislative way the prohibition, and there is a little something to guide the citizen in his activities. But now we have the concluding clause:

Or any prohibited place within the meaning of section 6 of this chapter.

That is, whoever approaches for the purpose of obtaining information respecting the national defense any place prohibited, or that may be prohibited, under the provisions of section 6 of this chapter becomes a criminal and may be prosecuted. Let us see what section 6 is. Section 6 begins in this way:

The President of the United States shall have power to designate any place—

In time of peace, now; not of war. We may be pursuing our way in all the quietude that has characterized us for the last 30 or 40 years, yet it is declared that—

The President of the United States shall have power to designate any place other than those set forth in paragraph (a) of section 1 hereof as a prohibited place for the purposes of this chapter, on the ground—

Now, mark you how he is absolutely unlimited in his selection—

on the ground that information with respect thereto would be prejudicial to the national defense; he shall further have the power, on the aforesaid ground, to designate any matter, thing, or information belonging to the Government, or contained in the records or files of any of the executive departments, or of other Government offices, as information relating to the national defense, to which no person (other than officers and employees of the United States duly authorized)—

They must not only be officers of the United States but they must be duly authorized in addition—

shall be lawfully entitled within the meaning of this chapter.

I know very well it was not intended by the person who drew the bill, but under that provision the President of the United States could say that what transpires in this Chamber shall not be made public if it concerns the national defense. He can padlock the lips of every man in America respecting the national defense.

It is hard for me to be temperate when I am discussing a provision of that sort. Of course, there is no man who values the privileges of the American citizen more than the Senator from North Carolina, and I am sure that he is now thinking to himself that no President would ever execute the law in this way. That may be so; but all our laws, or a great many of them, are intended to prevent the abuse of power, to prevent a man without conscience and a man without respect for such institutions as ours to override the rights of a citizen. I shall look with great interest to the answer of my friend from North Carolina when he comes to explain the extent of the President's power in designating any place other than those set forth in paragraph (a) on the ground that information with respect thereto would be prejudicial to the national defense, and I shall look forward with keen curiosity to his exposition of these words:

He shall further have the power, on the aforesaid ground, to designate any matter, thing, or information belonging to the Government, or contained in the records or files of any of the executive departments, or of other Government offices, as information relating to the national defense, to which no person (other than officers and employees of the United States duly authorized) shall be lawfully entitled within the meaning of this chapter.

Mr. President, I have now finished my comment upon paragraph a. It is an extraordinary proposal. If the Senate can persuade itself that it is necessary to enact such legislation as that in order, I assume, to prevent some information which ought to be confidential and confined to our own country from creeping abroad in times of peace, then I shall conclude that it has lost its regard for the liberties of citizens which have been won not only upon many a hard-fought battle field but won in many a contest in the Senate of the United States.

I pass now to paragraph (b) of the chapter—

or (b) Whoever, for the purpose aforesaid—

Now, what is the purpose aforesaid? The purpose aforesaid is to obtain information respecting the national defense. That is the entire purpose. The acquisition of information concerning the national defense—

or (b) Whoever, for the purpose aforesaid, and without lawful authority, copies, takes, makes, or obtains, or attempts, or induces or aids

another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, document, writing, or note of anything connected with the national defense—

I wonder if Senators will pause long enough in these busy hours to analyze that paragraph and attempt to apply it to the things to which by its very terms it is applicable. It applies to anyone desiring any information concerning the national defense. We have already, I think, apprehended some of the difficulties that are in our way in determining what the national defense is—

and without lawful authority—

Again, I ask, who has lawful authority to make a copy of any of the things which I have mentioned and to which I shall again direct your attention—

copy, take, make, or obtain any sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, document, writing—

I pause there. Any writing connected with the defense. You attempt to make it criminal for any man in this country without some lawful authority, the character of which I do not know and which you can not define, to make a copy of any writing connected with the national defense, or any "document."

Mr. President, I said a few moments ago that if this law had been enforced for the last two years more than half the intelligent reading people of the United States would have been in the penitentiary if the law had been put into execution against them. How many of our people have without lawful authority, or such authority as is contemplated here, copied some writing connected with the national defense? We have all done it here over and over again. I know that was not in the mind of the person who drew this bill, and I am sure it was not the intent of the members of the Judiciary Committee, but the difficulty is that in endeavoring to reach one man who is guilty you have drawn within the operation of the law thousands of men who are not guilty of any moral offense, and you can not convert these liberties of the people of this country concerning their own affairs into crimes by merely reciting these offenses in a statute.

Mr. NELSON. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. Certainly.

Mr. NELSON. Does the Senator believe we ought to have any legislation in reference to the subjects referred to in this bill, or is he utterly opposed to any legislation bearing on these matters?

Mr. CUMMINS. Mr. President, I think there are some subjects—

Mr. NELSON. And if he is—

Mr. CUMMINS. Now, wait until I answer your question.

Mr. NELSON. Yes; answer it.

Mr. CUMMINS. I am not opposed to legislation on these subjects.

Mr. NELSON. Will the Senator suggest something better than this?

Mr. CUMMINS. Just a moment. No one can suggest anything worse; and I am now speaking of chapter 1, of course. I am not speaking of the 10, 11, or 12 pages which have been designated as chapters 2, 3, 4, and so on. I am speaking of chapter 1.

It is not an answer, Mr. President, to what I have said for the Senator from Minnesota to ask me whether I can present something better. Impulsively I answered him that any substitute for this chapter would be better. I did not mean any disparagement by that statement, but I invite the Senator from Minnesota and the Senator from North Carolina, when the time comes, to reply to what I am saying with regard to the scope and the operation of these paragraphs. I am as anxious as either of them can be to prevent the revelation, if you please, in a time of war to an enemy or to a foreign country of things that are connected with the movements of our Army and our Navy. But I am not willing in order to bring about that state of efficiency, if it be a state of efficiency, to close the mouths of the hundred million of American people upon all subjects at all times relating to the national defense. I think that if we must allow this one man, however unfortunate it may be, to go unpunished in order that these millions may preserve the liberties which they have acquired through long and arduous labors, we had better allow the one man to go unpunished. But I see no reason for permitting that. It is not hard, I am sure, to prescribe the terms of a statute which will punish any man who attempts to reveal to an enemy or even to a foreign country or who gathers information for the purpose of revealing to an enemy or a foreign country information that ought to be con-

lined to American shores. But it is not necessary to spread a net of this kind in order to catch a fish of that kind.

Mr. NELSON. Mr. President—

Mr. CUMMINS. I yield to the Senator.

Mr. NELSON. I want to call the Senator's attention to how utterly futile it would be to put in clauses requiring the information to be given to a foreign country. What we suffered from during the Civil War more than anything else was the fact that our newspapers contained full information as to the number of troops, their location, the movement of the troops, and everything. The newspapers did not do it with an evil intent. They did it for the purpose of selling their newspapers, getting a market for purveying the news to the American people, and yet it was one of the greatest evils that we had to contend with during the Civil War.

Now, if the Senator will allow me, I want to add one further word to what he said a moment ago. He said the President may designate some other place. Let me point out what that means. Suppose in an actual war we had to establish a new submarine base somewhere immediately, a new point. It may be necessary for the President to designate it. We need in this new method of warfare new places to store our supplies for our submarine works, and hence it is necessary to give the President some power.

Mr. CUMMINS. I have no objection to giving the President some power, and the power that has just been described by the Senator from Minnesota. But it seems utterly impossible for me to so express myself that the Senator from Minnesota will understand that in reaching an instance of that kind it is not necessary to extend the crime to every person who may seek to obtain information concerning the national defense.

My second answer to the statement just made is this: He is thinking of a time of war. I will come to the newspaper paragraph presently. It is a most interesting paragraph, but I have not reached it yet. I am not dealing with newspapers or the harm that they did the country in the Civil War. There are some observations to be made upon that subject. But I remind the Senator from Minnesota that this chapter, in so far as I have been considering it up to this time, is not confined to a time of war. It is just as effective in a time of peace as in war.

The Senator from Minnesota may not have been here in the early part of my analysis during which I said that when war comes, when martial law must supersede civil law, when the Commander in Chief of the Armies and Navies must be the supreme arbiter of the liberties of the citizen, then I have no disposition to limit the power of the Commander in Chief, but I have great objection to giving the Commander in Chief of our Army and Navy the absolute disposition of the liberties of the people during times of peace.

Mr. NELSON. Mr. President, will the Senator allow me to make a suggestion?

Mr. CUMMINS. I will be glad to yield.

Mr. NELSON. The Senator can readily see if you limit this to an actual state of war how utterly futile it will be. I can not help referring to a concrete case. Take the case between France and Germany. For years before the present war broke out Germany carried on a system of espionage in France. The whole country was subject to it. They had maps of every bit of the country. They had diagrams and blue prints of all the fortifications. They had even gone so far in Belgium as to build concrete foundations for their big guns. In cases of that kind, Mr. President, I insist that it is necessary to provide against these things before the outbreak of actual war. If you wait until then it may be too late. The countries we are liable to get into war with will long before the war breaks out have carried on a system by which they will have acquired full information as to our fortifications, our shipyards, and all our naval and military appliances, and secured it before the outbreak of the war.

Now, it is to prevent that as much as in reference to what may occur during actual war that it is necessary to legislate. I want to remind the Senator that while there are some expressions perhaps in the bill that may seem a little too drastic, yet I hold that when the safety of the country is at stake the rights of the individual must be subrogated to the great right of maintaining the integrity and welfare of the Nation.

Mr. CUMMINS. The Senator from Minnesota seems to think that this is necessary for the safety of the United States. I do not; nor do I think we have a Nation worth saving if this is necessary. If the power that is here sought to be given to the Executive, coupled with these offenses that are for the first time prescribed in American life, are necessary, I doubt whether the Nation could be preserved.

Mr. NELSON. Mr. President—

Mr. CUMMINS. Just a moment.

Mr. NELSON. I will not interrupt the Senator.

Mr. CUMMINS. Allow me to continue for a few moments. When I have finished this thought I shall then be ready to yield.

The Senator from Minnesota has disclosed the real purpose of the proposed statute, or the part of it which I have been reading. I assume that it is well known, and generally accepted, that Germany had pretty thorough information regarding France; I assume that it is fairly well accepted that France had pretty thorough information regarding Germany; and that England had pretty fair information regarding both countries. I have an idea that maps of the United States are in all the capitals of Europe. I do not know, but I presume that Europe understands about how many men we have authorized to make up our Army; about how many ships we have authorized. I have been told, although I have no way of verifying it, that all the foreign countries have people here all the time trying to acquire whatever information they can relative to our country and its armament. If the Senator from Minnesota has any idea that we can build around the United States a Chinese wall so high that no information concerning our national defense can creep through it, or fly over it, he is doomed to disappointment.

The United States, in common with all other countries, has grown very close to even those powers which are farthest removed; we are close to them; and if the Senator means to assert that, in order to prevent this information from getting to Germany or Great Britain or France or Japan, I must be prevented from knowing anything about it, I resent the enactment of the statute.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do not want to carry on a debate with the Senator pending my remarks, though I am glad to hear the Senator.

Mr. NELSON. I want to say one thing I omitted to say before, and that is that I have no doubt to-day—

The PRESIDING OFFICER. The Chair understands that the Senator from Iowa declines to yield for an interruption.

Mr. CUMMINS. No; I yield to the Senator from Minnesota, so far as I may properly do so.

Mr. NELSON. What I desire to say and what I neglected to say before was that I have no doubt to-day that all the great powers in Europe have complete information as to our naval and military strength, as to our ships of war, our munition factories, our naval bases, our navy yards, and everything else that pertains to the national defense; they also have maps of our country; so I think that any one of those countries, if they intended to invade this country, would be as well informed as are our own people where to land an army to attack us. It is to prevent information being improperly secured that this statute is intended. I admit what the Senator says, that it is utterly impossible to exclude every such attempt, but we certainly ought to do something to protect the Nation against such dangers and such emergencies. That is all for which I am contending.

Mr. CUMMINS. Mr. President, I am sure that the Senator from Minnesota and myself are in absolute harmony with regard to the general purpose; but the difficulty is that he thinks in order to accomplish that purpose it is necessary to manacle all the people of the United States; that it is necessary to withdraw all the people of the United States from any information respecting the national defense, fearing that some part of it may finally be brought to the attention of the enemy.

You can not make a law, Mr. President, too severe for me aimed at the acquisition of information concerning our Army and Navy and military armament intended to be revealed to an enemy or even intended to be disclosed to a foreign country; I shall make no opposition to any such proposition as that; but when, in order to reach a person who has such an intent, you find it necessary to say to me that I can not know anything about our ships and our armies and our docks and our munition factories and our fields and our forests, all of which are related to the national defense, then you are trampling upon a right that is infinitely more important to be preserved than it is to preserve our secrets from a foreign country.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. OVERMAN. It is whenever you go for the purpose of getting information to which you are not entitled that this bill proposes to punish you. It does not propose to punish generally the American people for the acquisition of information, but it says, whenever an American citizen goes for the purpose—those are the words—of obtaining information to which he is not

lawfully entitled, then he is guilty. The Senator from Iowa makes it too general when he says all the people of the United States are forbidden. It is only when they attempt to secure such information for an unlawful purpose that this proposed statute would apply.

Mr. CUMMINS. That is it, Mr. President. The Senator from North Carolina has, with his fine instinct for what is right, really inserted the word that ought to be in this proposed statute. If I desire to secure information for an unlawful purpose, I ought to be punished; but what is an "unlawful purpose"? The Senator from North Carolina says that if I attempt to secure information respecting the national defense without lawful authority. But have I lawful authority to acquire information or to approach any of these places in order to secure information respecting the national defense? Assuming now that my only purpose is to make myself a more efficient guardian of the national defense, have I a lawful authority; and if so, where did I get it?

Mr. OVERMAN. What right have you as an American citizen to go upon the premises of an arsenal to obtain the secrets of the Government without lawful authority? I do not think any citizen has such authority, and it shows an unlawful purpose when he does it.

Mr. CUMMINS. Precisely.

Mr. OVERMAN. If he goes there for that purpose and obtains the secrets of the Government or of the national defense—

Mr. CUMMINS. This provision says nothing about "secrets."

Mr. OVERMAN. But that is what it means.

Mr. CUMMINS. That word is not in it. It says whoever, with the purpose of securing information respecting the national defense—not goes upon—for, again using myself as an illustration, they may close the doors against me, I assume, and I could not go upon these sacred governmental inclosures; but this proposed law says whoever, for the purpose of securing information respecting the national defense, approaches any of these places shall be punished. How near must he approach? If I walk down to the banks of the Potomac River in order to see the *Mayflower*—it is a part of our national defense, I understand—

Mr. SMITH of Michigan. Or to Fortress Monroe.

Mr. CUMMINS. And I may have a great curiosity to know in just what way the *Mayflower* is being used in order to protect the country against our enemies—if I approach the banks of the Potomac River in order to look upon this triumph of naval architecture, this home of pleasure, I would make myself a criminal. I know the Senator from North Carolina, if he were a prosecuting officer, would not attempt to convict me for that offense; but I, nevertheless, would have committed the offense described in this statute.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield to the Senator from Utah with pleasure.

Mr. SUTHERLAND. I do not want the Senator to yield to me reluctantly.

Mr. CUMMINS. No; I yield to the Senator because I know the Senator from Utah will, if there is any merit in this thing, disclose it. So I yield.

Mr. SUTHERLAND. I did not arise particularly for the purpose of disclosing the merits of the proposition, but I wanted to get the view of the Senator from Iowa with reference to a phase of the matter.

The Senator says that if he walked down to see the *Mayflower* for the purpose of seeing what sort of a ship it was, under this proposed statute he would be guilty of a criminal offense. The Senator would not be guilty of a criminal offense in doing that, even if this proposed statute were passed, because his going down there and seeing the *Mayflower* would not be forbidden. Therefore he would be lawfully entitled to do so. The phrase "lawfully entitled" means nothing more and nothing less than that the particular information must have been forbidden, not necessarily by an act of Congress; because in dealing with military matters the President has very great power. The President is made, by the Constitution, the Commander in Chief of the Army and Navy, and under that authority the President himself, or the Secretary of the Navy or the Secretary of War, discharging part of the duties of the President, as his agent, may make regulations that people shall not go into forts; that they shall not visit battleships under certain circumstances; that they shall not do this, that, or the other in connection with the national defense.

It seems to me that the proper construction of this language is simply that the citizen would have a right to visit these places to seek this information, unless it was of a character that had been forbidden by some regulation of the War Department or order or by some act of Congress. I know there are regulations which do forbid one going into certain fortifications and obtaining certain information; and the President, as Commander in Chief of the Army and Navy, may extend those regulations from time to time. If he does so, a citizen who undertakes to obtain information in violation of those regulations is undertaking to get something to which he is not lawfully entitled; but in the absence of prohibition he is lawfully entitled to such information, and he may go.

Mr. CUMMINS. Mr. President, a very large part of my objection to these particular paragraphs of this chapter would disappear if the Senator from Utah had written the law and had expressed in the measure the thought which he has just given to the Senate. There would then be some safety remaining, and there would be some privileges left.

If we would undertake now to prescribe the information that the ordinary citizen may lawfully secure concerning our national defense, I would have no difficulty, then, at least in understanding what we might do, or if we were to confine it to time of war and say that the President shall have the authority to prevent the approach of any person to any place that he may designate, I would understand that; but that would be tolerable only in time of war and would not be admitted in time of peace. That, however, is not the proposed statute.

The Senator from Utah [Mr. SUTHERLAND] has given a fanciful explanation and a fanciful definition of the words "lawfully entitled." There is nothing in our statutes or in our customs, as I have already remarked more than once, that will enable us to determine to what part of the knowledge concerning our national defense the individual citizen is entitled.

There is another paragraph in the chapter which relates to the power of the President to suppress newspapers, and I think that the remarks of the Senator from Utah are especially applicable to that paragraph.

I proceed with my analysis. I have discussed the paragraphs (a) and (b). The next is (c), which reads as follows:

Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reasonable ground to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this chapter.

I would have little objection to that paragraph if paragraphs (a) and (b) were eliminated from the chapter; but it can not certainly be insisted that anyone who receives from another person any plan or copy or note or anything else pertaining to the national defense, knowing or having reason to believe that that person had acquired the information in the ordinary, usual way by which people get information in our land, should be sent to the penitentiary. It simply emphasizes and intensifies the objection to paragraph (b).

Paragraph (d) provides—

Whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, note, or information relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not lawfully entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it.

That simply means, assuming that we retain paragraph (a), that if I have obtained information for which I have received no authority I can not discuss it with my friend or my neighbor nor give him a copy of any writing or the substance of any information which I have received and which relates to the national defense. Of course this is subject to the same objection that I have already made with regard to paragraphs (a) and (b).

Paragraph (e) is as follows:

Whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, note, or information relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed.

Mr. President, I do not believe that we have reached a time when if a clerk in a department loses some record or note he ought to be punished by two years in the penitentiary and a

\$10,000 fine. We are going a great way when we attempt to punish gross negligence, assuming that the gross negligence has not resulted in any harm or injury to the country.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. CUMMINS. I yield.

Mr. NELSON. That is intended to meet such a case as occurred within a year or two at San Francisco. A naval officer who was intrusted with our naval code book, through his negligence, lost it—laid it aside. The result was that the code book fell into the hands of another Government and our Government has been compelled to prepare a new code.

Mr. CUMMINS. I have been told that was the instance which suggested this provision; but because an officer in the Navy lost a code book, which fell into the hands of another Government, are we to punish every officer or clerk or employee who may lose some writing or note? It may be that it is a very immaterial writing or note; but if he loses it, even though it can be reproduced, even though it may not have been communicated to an enemy, and, even if communicated, could do us no injury whatever, he may be prosecuted and sent to the penitentiary for two years and be fined \$10,000.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to further interruption?

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. SUTHERLAND. Of course, that is qualified by the provision that it must have been lost or stolen through gross negligence—not negligence merely, but gross negligence—and, as the Senator knows, gross negligence is something which falls just a little short of being willful. We do punish people criminally for gross negligence.

Mr. CUMMINS. Never; unless the negligence does some harm.

Mr. SUTHERLAND. The Senator says "unless the negligence does some harm." I am not so sure about that, although no offense of that kind occurs to me at the moment; but under the laws of some of the States we punish criminally a man who is negligent in operating an automobile and runs into a pedestrian, and we punish him for a form of manslaughter if somebody is killed.

Mr. CUMMINS. But suppose no one is killed?

Mr. SUTHERLAND. It is not because he has willed that the thing shall be done but because he has been grossly negligent about it. Whether gross negligence, would exist in any particular case, of course, would depend upon the circumstances of that case. If, for example, the note was of such character as the Senator has just described, of no particular consequence, care in looking after it would not be required to be so great; in other words, what would be gross negligence in losing an important document which was of great value to the national defense would not be gross negligence in the case of a matter of no particular concern. The whole matter is under the control of the court and jury to deal justly in the particular case, and, moreover, it is under the further control of the judge when he comes to impose sentence. He is not obliged to impose two years' sentence; he may impose but a day's sentence.

Mr. CUMMINS. I am very glad that the bill permits the court and jury to intervene between these offenses and the people. I really wonder that there was not a more summary method of trial provided. But, replying to the Senator from Utah, I have no objection to making gross negligence an offense. I assume that there are times when gross negligence ought to be punished with death. There are a great many such offenses in time of war, I understand; and, if gross negligence of an employee or anybody else entitled to the possession of any of these things results in harm to the Government, I think, then, he might be punished, but to say that gross negligence resulting in the loss of an instrument of any kind that has caused no one any injury and that has brought no harm to the country seems to me to be going a very long way.

I pass now to paragraph (f); and this is really remarkable. Whether any other Government in the world ever proposed anything of this sort I do not know. Possibly the Senator from North Carolina will be able to tell the Senate whether other Governments have found it necessary to legislate upon this subject; and if so, when the legislation took place:

(f) Whoever, within the United States, sends by post or otherwise any letter or other document containing any matter written in any medium which is not visible unless subjected to heat, chemicals, or some other treatment shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both.

It will be observed that the offense is sending through the mails or otherwise any communication written in invisible ink, which is to be made visible only by the application of heat or

some chemical. It matters not what the communication may be; it may be a love letter from one sweetheart to another; it may be any sort of confidential communication absolutely innocent in its character; and yet, seemingly, so great is the fear that the people of this country will communicate with each other in a secret way that we have here attempted to make it a crime for one person to write to another unless the writing is plain and visible.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. VARDAMAN. What is the penalty?

Mr. CUMMINS. The penalty is imprisonment in the penitentiary for two years—that is the maximum—and \$10,000 fine.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I yield.

Mr. JONES. I have looked at the Congressional Directory and I find that the junior Senator from Missouri [Mr. REED] is a member of the Judiciary Committee. As I understand, this bill was reported from that committee.

Mr. CUMMINS. It was.

Mr. JONES. I am amazed that such penalties as that should be prescribed for sending love notes through the mails—sending a man to the penitentiary for two years and fining him \$10,000. I am amazed that the junior Senator from Missouri is not here protesting against such barbarous legislation as is proposed in that bill.

Mr. CUMMINS. I do not wonder that the Senator from Washington is amazed. The penalties that have been suggested with regard to our legislation for prohibition are mere love taps or wrist beatings as compared with the punishment that is meted out to those who do these things.

Mr. President, I have now concluded my review of section 1 of the chapter, and I again assert that these people who are trying to get information in our country to be transmitted to any other country—and I am almost willing to say whether in peace or in war—should be reached by proper penalties; but I beg the Senate not to draw the whole innocent body of the citizens into a series of crimes for things that they have been doing always. There never was a time when all of us did not do these things that are forbidden in section 1.

I now proceed to section 2.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. WALSH. Before the Senator leaves section 1 I should like to address his attention to a feature that has had some attention at his hands, and I should like to get his view about it.

Mr. CUMMINS. I am very glad to yield to the Senator for that purpose.

Mr. WALSH. The Senator referred to the *Mayflower*. When that ship is at her slip or dock, it becomes necessary to pass through the navy yard to reach her. Under all ordinary circumstances the citizen is permitted to go in and out at will; but now the gates are closed, and, by a rule of somebody, he is shut out from the navy yard. I suppose the Senator will recognize that some one really has lawful authority to exclude citizens from the navy yard.

Mr. CUMMINS. I think I would.

Mr. WALSH. And if such lawful authority exists why should we not make it a crime for anyone who breaks through to get a view of the *Mayflower* when he is not wanted?

Mr. CUMMINS. Mr. President, I would have no objection whatever to a law that would provide that one who entered, against the regulations of the Navy Department, a navy yard or a ship should be punished.

Mr. WALSH. Then, Mr. President, let me ask if that is not exactly the idea advanced by the Senator from Utah?

Mr. CUMMINS. No.

Mr. WALSH. That this means one who goes into a place like that contrary to a rule or regulation promulgated by the proper authority?

Mr. CUMMINS. I gave the illustration of the *Mayflower* without any reference to her dock being in connection with a navy yard. She might be docked anywhere else, and the same rule would apply. I could approach her, I take it, at a great many places as she journeys around the country without trespassing upon any governmental inclosure.

Mr. WALSH. But, as suggested by the Senator from Utah, you would not then be acting without lawful authority.

Mr. CUMMINS. I do not know. That is what I am waiting to hear from some one who is willing to stand for this chapter—who has lawful authority to know about the national defense.

I proceed now to section 2:

Whoever, having committed or attempted to commit any offense defined in the preceding section, communicates, delivers, or transmits, or attempts to, or aids or induces another to communicate, deliver, or transmit, to any foreign Government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than 20 years.

There is a part of the paragraph I have just read that seems to me to be sound, and that ought to be preserved in any changes that may be made in the chapter. But see what you are doing in another part of the same paragraph. Here is a person who has gotten information contrary to the terms of section 1. That is, he knows something about the national defense, and we will assume that he has acquired the information without lawful authority, although I do not know what that means. Then, if that person discusses in any form the information that he has with a citizen of a foreign country, whether we are at war or at peace with that country, he becomes a criminal, and he is subject to punishment by imprisonment in the penitentiary for 20 years.

I submit to the better judgment of the Senators who are here that such a provision will simply make nugatory the legislation we are preparing. It is so violative of every principle of our institutions that you will not be able to find officers to enforce it; you will not be able to find citizens who will obey it.

Mark you, now, this relates to any information that may have been acquired under section 1. I have often given the illustration, and I need not give it again. If I have secured information relating to the national defense, no matter what part of the national defense it may be—a mine, a factory, a ship, or the Army—and if I discuss that question with any citizen of a foreign country, whether we are at war or at peace with that country, I become a criminal and subject to 20 years' imprisonment. To me the proposal is so wrong that I can not discuss it with composure.

Mr. VARDAMAN. Mr. President, is there any precedent for such drastic legislation as this?

Mr. CUMMINS. I have asked that question before—whether there is or not.

Mr. VARDAMAN. I confess my own lack of information on the subject, but it strikes me as going a very long way.

Mr. CUMMINS. There is a part of this now that is in harmony with free thought and free speech. That is, if a person attempts to communicate or induce any other person to communicate anything to a foreign Government or to any faction or party or military or naval force within a foreign country, it seems to me to be reasonable that he should be punished. But when you pass on and provide punishment for whoever communicates or induces anybody to communicate with any representative, officer, agent, employee, subject, or citizen of any foreign country, then you pass beyond the line that ought to protect the liberty and freedom of citizens.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. OVERMAN. The question has several times been propounded during the speech of the Senator from Iowa whether any other countries have provided such things as this in their statutory law. I want to say that all of the countries at war have much more drastic legislation than we have upon this subject, and I think probably the most of these provisions were drafted from statutes in other countries, but we have made them very, very much less drastic than they are in other countries.

Mr. CUMMINS. Why did you make them less drastic?

Mr. OVERMAN. Because it was more suitable to our form of government to have them in these terms rather than the others. That is the reason.

Mr. CUMMINS. If a man is to be arrested and fined and punished for these things, I do not see what more you could do to him. In my opinion, Mr. President, there are no such regulations anywhere in the world, except military regulations. I understand perfectly that Germany is now under martial law, and Great Britain is under martial law; and I have no doubt that provisions much more drastic than these are being enforced in those countries. I do not believe, however, that in times of peace Great Britain ever dreamed of any such regulations as

these. I may be wrong about it, but I should be very much surprised to learn that there ever were such statutes in Great Britain until she passed under military control. It may be that Germany had provisions something like these, but I am not willing to fashion American life after German militarism.

Mr. VARDAMAN. Mr. President, we are writing laws now governing a people in time of peace.

Mr. CUMMINS. Precisely.

Mr. VARDAMAN. I can understand the necessity for drastic, extraordinary laws in time of war, but that is merely a military order. This law is intended to govern a people in time of peace, with little prospect of war.

Mr. OVERMAN. We are trying to perfect our national defense.

Mr. VARDAMAN. Yes; but we find a hobgoblin in every shadow.

Mr. CUMMINS. Mr. President, I note that the paragraph I have just read closes with this paragraph, which emphasizes what I have said:

Provided, That whoever shall violate the provisions of this paragraph of this section in time of war shall be imprisoned for life.

It simply shows that the former part was not intended to apply to a time of war. Now we come to a paragraph that is confined to war.

Mr. SUTHERLAND. Mr. President, before the Senator passes from this subject I should like to ask him a question.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. SUTHERLAND. If it be true that the first paragraph of this section should be construed as I indicated to the Senator a moment ago that I thought it should be construed, namely, that the citizen would have a right in spite of this provision to go into a fort or to examine a vessel belonging to the United States, or anything of that kind, unless the thing was forbidden by a law of Congress or by a regulation or order of the Department of War, does the Senator see any objection to punishing a man who, having violated that regulation or law or order, and in violation of it having obtained the information, then turns about and communicates it either to a foreign Government or to a citizen of a foreign Government?

Mr. CUMMINS. I think the Senator from Utah probably did not notice that I began my comment upon this paragraph by saying that if section 1 were properly confined I could see no great, if any, objection to this paragraph of section 2. It is only because I do not agree at all with the view taken by the Senator from Utah as to section 1 that I have made the criticisms just submitted upon so much of section 2.

Now, I want the Senator from Utah to understand my thought. I do not want to go on any dock or in any arsenal or on any ship or in any fort. I am perfectly willing that the President shall have the right to exclude everybody from those places. But section 1 of this chapter broadens those places which have hitherto been regarded as purely governmental affairs to the whole country.

Mr. SUTHERLAND. Well, it broadens it, if the President or an agent of the President acting under his authority makes a regulation forbidding the entry upon the place or acquiring information about the thing. I would agree exactly with the Senator from Iowa if I could agree with his premises. If the Senator is right in his construction of this section, obviously he is right in his conclusion. If the section does not mean what I think it does mean, it ought to be amended, as I view it, so that it will be clear.

Mr. CUMMINS. If the Senator from Utah will sit down and write a section 1 of the first chapter, using the language that he has employed in explaining or interpreting section 1, I shall have nothing further to say.

Mr. SUTHERLAND. Mr. President, there is only this danger about that—and the Senator from Iowa, who is a splendid lawyer and about as acute in the use of language as anybody I ever met, understands perfectly the danger—when you come to enumerate a number of things there is danger that you will omit something that you ought to include, and therefore it is better wherever you can in a statute to use general language instead of particular language. The Senator understands perfectly the danger of doing that. Now, in stating what I thought the general language meant, I have stated some of the things I thought it meant, but in all probability I have not stated all of the things that are meant by it.

If the Senator will bear with me just for another suggestion by way of illustration, some years ago I happened to be in San Francisco and went out to visit one of the forts—I have forgotten the name of it—near that city. It was many years

ago, before I was a Member of Congress. I wanted to see all I could of it as a matter of curiosity, not that I was concerned about what was there, but I was simply curious; and I was told that I could see certain things, and certain other things I could not see. Among other things, I remember distinctly that they had been installing some disappearing guns, and I was not permitted to go near those guns. I was expressly forbidden to do it. Now, I could go anywhere else in the fort; I could see the buildings; I could see the general arrangement of it, and all that. Now, I would have been at perfect liberty under this statute to have gone out and told anybody the result of my examination of this fort in all of these particulars; but if, in spite of this statement that I would not be permitted to see these disappearing guns, I had insisted upon doing so and had gone there, I would have been guilty of an offense under the first section—

Mr. CUMMINS. I think the Senator would.

Mr. SUTHERLAND. And I think properly I would have been held guilty and punished.

Mr. CUMMINS. Undoubtedly.

Mr. SUTHERLAND. Then if in addition to that I had communicated the information I had obtained with reference to those disappearing guns to some foreign Government, to a representative or even to a citizen of a foreign Government, I ought to have been punished under the second section.

Mr. CUMMINS. Unquestionably.

Mr. SUTHERLAND. Now, that is what I understand this provision to mean.

Mr. CUMMINS. I also understand it to mean that, but it means a great deal more. That is the difficulty. Every instance that has been brought forward here has been an instance of an offense that ought to be punished. That is the only reply that is being made to me—that certain things have been done, or may be done, which are detrimental to the public welfare and to the national defense, and that they ought to be prohibited. I say, yes, they ought to be prohibited, but when you are prohibiting them do not at the same time make crimes of a thousand innocent acts of the people. That is what I am objecting to.

Mr. SUTHERLAND. Can the Senator from Iowa conceive of a case where the citizen is not entitled to go anywhere in the United States or obtain any information unless it is forbidden by some lawful authority or is in violation of somebody's rights?

Mr. CUMMINS. I do not know. I do not know what the words "lawfully entitled" mean.

Mr. SUTHERLAND. I am quite certain that they mean, in that statute, something which has been forbidden by lawful authority. Anything that has been forbidden by lawful authority, a citizen is not lawfully entitled to obtain. If it has not been forbidden by some lawful authority, then the citizen is entitled to it.

Mr. CUMMINS. Precisely. That is simply arguing in a circle, however. The Senator says "forbidden by some lawful authority." Who has lawful authority to forbid these things?

Mr. SUTHERLAND. The Constitution very clearly shows in this instance who has lawful authority. That is the President; but, of course, the President can not always act in his own proper person. He acts by agents. He acts by the Secretary of War, by the Secretary of the Navy, and by subordinate officers.

Mr. CUMMINS. I assume the Senator means that provision of the Constitution which makes the President the Commander in Chief of the Army and Navy.

Mr. SUTHERLAND. Precisely. It has been held repeatedly under that, as the Senator knows, that the President has the power to make regulations and rules governing the conduct of the Army and the defense of the Nation.

Mr. CUMMINS. Has the President the power, as Commander in Chief of the Army, to say that one shall not enter the factory of the Bethlehem Steel Co.?

Mr. SUTHERLAND. Not unless it has become a part of the national defense; no.

Mr. CUMMINS. Exactly. No one knows what does become a part of the national defense. I suppose he could say that a certain part of a city was so connected with the national defense that everybody must move out of it and no one should be permitted to enter it. I think he could do that in time of war, but I do not believe he could do that in time of peace.

Mr. SUTHERLAND. Then the citizen would not be guilty if he violated it.

Mr. CUMMINS. Then you ask the citizen to incur the risk of determining whether a presidential order or an order of a commander in chief is valid or invalid.

Mr. SUTHERLAND. The citizen does that when he thinks a law of Congress is not constitutional; he has a perfect right to refuse to follow it if he wants to take the risk.

Mr. CUMMINS. Well, Mr. President, I think the argument of the Senator from Utah is the severest condemnation of this chapter that I have heard, and certainly much more conclusive than anything I have said. He has described precisely what the law ought to be, and there should be and is no difficulty in reducing the law to the terms which he has so clearly expressed, and when it is reduced to such terms, or anything like such terms, he will not find me opposing it.

I return now to paragraph "b" of section 2, and I pass it because I have no objection to it. It simply prescribes the death penalty for communicating to an enemy information concerning our military operations. I say I have no objection to it, but I have. It is, however, a general objection. I am opposed to capital punishment for any offense, but I do not think a discussion upon that subject would be material to the present debate.

I now come to paragraph "c," and this is the paragraph which will arouse most interest throughout the country, I am sure. I read it:

Whoever, in time of war, in violation of regulations to be prescribed by the President, which he is hereby authorized to make and promulgate, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aeroplanes, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense or calculated to be, or which might be, useful to the enemy, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than three years, or by both such fine and imprisonment.

As this bill was originally introduced, as it was drawn in the office of the Attorney General, the crime was described without any reference to regulations to be prescribed by the President. It was simply made criminal for anyone to promulgate, collect, record, publish, or communicate, and so forth, any information with respect to any of these things, all of which may be combined in the one expression "relating to the national defense."

This is the paragraph of which I said before in the committee, and which I now say again, had it been in force in the last two years three-fourths of the people of the United States would have been in the penitentiary, or ought to have been in the penitentiary, because it was an absolute suppression of free speech, it was an absolute overthrow of a free press. I made that objection to it before the committee; and the way in which it has been amended is to insert the words "in violation of regulations to be prescribed by the President, which he is hereby authorized to make and to promulgate." Instead of overturning the freedom of the people by one act, we have simply delegated the authority to the President to overturn and obliterate that freedom. Under this provision the President can absolutely command silence in the United States upon every subject mentioned in the paragraph. He can suppress every suggestion concerning the national defense in every newspaper of the land. I am not sure whether he would be able to make it an offense for Members of Congress to discuss the national defense. I am inclined to think that we could still preserve our constitutional privileges in that respect, and at any rate we could take shelter behind the immunity given to us in the Constitution for what we say upon the floor of Congress, but the moment we would emerge from these sacred confines then the President could require that we should be silent upon everything pertaining to the national defense.

I was very unwilling to make it an offense directly to do these things, and I am quite as unwilling to give the President the authority to prescribe any such regulations. I am willing to undertake with the Senator from Utah [Mr. SUTHERLAND] or the Senator from North Carolina [Mr. OVERMAN] to draw a code for the regulation of citizens in civil life during a time of war, for I ought to remark that this paragraph is in force only in time of war; but, I think, it is the most remarkable authority I have ever heard suggested for any executive of any free country. It is an authority that the tyrants of the olden times never dared to exercise. You can not find an instance in either ancient or modern history in which any monarch has attempted to put upon his people the restrictions which the President can put upon our people under this paragraph.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I yield.

Mr. FLETCHER. Does the Senator understand that these forbidden things are all to take place in time of war?

Mr. CUMMINS. I just said so.

Mr. FLETCHER. I did not understand from the Senator's argument that he appreciated that the clause is in the bill, "in time of war." All these things are to take place in time of war.

Mr. CUMMINS. Yes.

Mr. FLETCHER. I might say this to the Senator: He will recall what is called the national-defense act which was passed March 3, 1911. That was considered insufficient, and the bill known as Senate bill 258 was reported in the Senate, and it was not thought to be broad enough. The matter was referred down to the department. The chapter the Senator is now discussing was submitted February 5 and has been approved by the War Department, the Navy Department, and I believe by the General Board. I call attention to the fact that all these matters have been pretty thoroughly considered by the department and reported back to us in this form, and they are quite important and necessary for proper protection in time of war.

Mr. CUMMINS. Every word the Senator from Florida has said is true. If I understand him, I think this paragraph has been not only very carefully considered in the executive departments but it originated in the executive departments. Nor have I any doubt that the executive departments would be glad to see Congress abolished entirely. I have been led to believe in the last few years that the executive departments think that Congress is of little value to the people of this country; that our safety would be better conserved and our welfare better promoted by the deposit of substantially all governmental power in the Executive Office. I think they are perfectly sincere about that. I do not accuse them of any deception about it. They have made their purpose entirely plain in a variety of ways.

I am unwilling, however, speaking seriously, Mr. President, to give the President, even in time of war, the authority to command silence upon all public matters.

Mr. OVERMAN. The Senator has referred to it often, that he resents the idea that the Secretary of War, the Secretary of the Navy, the Attorney General, the Secretary of the Treasury, in charge of the Coast Guard Service, and so on, should get together, have a meeting probably, and agree that the law is defective in many respects, and that certain laws are necessary in this country for the national defense, and to carry out their recommendations send the bills down here to the Judiciary Committee to consider. Does not the Senator think they are doing their duty when these great men who preside over the Navy Department, the War Department, and the Treasury Department, and the President of the United States, get together and say we need certain laws and they recommend to Congress the enactment of laws for the national defense? Does the Senator criticize them for that action?

Mr. CUMMINS. No, sir.

Mr. OVERMAN. That is just what they have done. They have sent down here a recommendation in the shape of a bill that they think ought to be passed in order to protect the national defense. Everybody recognizes the weakness of our laws on this subject; that we have practically no law to protect our country in these places, and because they sent the draft of a bill here that they think necessary for the protection of our country does the Senator criticize them for that?

Mr. CUMMINS. No, sir; I have not done so.

Mr. OVERMAN. I do not understand, then, why the Senator complains.

Mr. CUMMINS. What I have just said is that it is not strange that these departments should think that their chief was a very proper depository of all this power.

Mr. OVERMAN. The Senator intimated that the bill was sent down here and the Judiciary Committee rather accepted what the department recommended without consideration, that we had not considered it.

Mr. CUMMINS. I think that is measurably true. I did not say without consideration, but what I said was, although I have not said it recently, not in the last few minutes, that these bills did not receive the same kind of consideration which they would have received had they been the product of a Senator.

Mr. OVERMAN. I can not understand why the Senator should say that. He has repeated that two or three times during this debate.

Mr. CUMMINS. I would not have done it if the Senator had not been drawing it from me all the time.

Mr. OVERMAN. I just came into the Chamber, and I said nothing when the Senator referred to it. The Senator has repeated it, and I have asked him the question whether he thinks when these great men in the Cabinet who preside over great departments and who are looking after the destinies of this country agree among themselves that we have no law such as we need for defense, and that we need laws to protect and defend this country, why he should criticize them for doing that thing.

Now, as to the other point, the consideration of this bill, it was referred to a subcommittee. It is true that some of us

are not as able as the Senator. The Senator is a very able man, and he is able to criticize any bill, and he generally does criticize a bill that comes before us. It was referred to a subcommittee of four Senators, and was then taken up before the full committee, and nearly all the members of the committee were there. The Senator himself came in two or three times. He was there a few times and made some objection, but did not come back any more. We stayed there and considered these bills day in and day out for a week, and I do not think this criticism of us is justified.

Mr. CUMMINS. Mr. President, I have made no such criticism. I have stated what I believe to be a fact, and the Senator from North Carolina has not denied it. If he will deny it, I will accept any statement he makes. The utmost I have said is that these bills having emanated from the office of one of the departments of the Government were not considered in the same way that they would have been considered if they had come from a Senator. I believe that to be true, no matter how long the Judiciary Committee may have sat in the consideration of them, no matter what amendments may have been made to them.

I now return to the other suggestion. Mr. President, if we are to consider the proper relations between the departments of the Government, I believe they ought not to meet together and agree upon bills to be sent to Congress. The Constitution provides how the Executive shall communicate with Congress. If the President believes there is a weakness in our law, it is his privilege, it is his duty, to communicate his judgment to Congress. Then it is the responsibility of Congress to deal with his communication in a way in which it ought to be dealt with. But without reflecting in the least upon the distinguished Attorney General, for I have the highest regard for him; I think he is a patriot—without reflecting upon the head of any other department I believe we are rapidly taking on a custom which in the future will defeat in a large measure the usefulness of Congress. I believe Congress is rapidly becoming the mere scrivener for the executive department. In the years to come even more than now, if we do not correct this tendency, it will be our privilege to perfunctorily register and record the bills that have been prepared in the departments and sent to Congress for its action.

Mr. CHAMBERLAIN. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. I gladly yield.

Mr. CHAMBERLAIN. I have not been informed about these measures nor the reasons which induced their preparation by the department, but I have rather assumed that they were suggested by events that transpired shortly after the European war began. The Senator will recall when a foreign ambassador was recalled and other foreign officials who were connected in one way or another with this Government as a representative of other governments were sent home or invited to go home a good many things were being committed here which led to an investigation by several of the departments to ascertain the condition not only as to the facts that were then in existence but as to the law which would enable such people to be punished who were committing depredations against the property of citizens of this country. This bill was the result of investigations which were then had and which showed that our Government did not have the laws to punish those people. Under these circumstances, does not the Senator feel that the men who have investigated it and who knew wherein the deficiency in the law lay were the best men to prepare the law?

Mr. CUMMINS. I do not. I believe they are the best men to give Congress the information upon which the law should be prepared, and I have no objection to their advice as to the form of the law.

Mr. CHAMBERLAIN. The Senator knows as well as anyone here that it would be almost a physical impossibility for one Senator or half a dozen Senators to get together and formulate a law that would meet these conditions, even if they had all the facts. I think the Senator will recognize that even in the legislative bodies in the States where a bill of any importance is to be prepared it frequently happens that an attorney outside, who gave exclusive attention to the subject, prepares a bill and then it is submitted to the legislative body. It seems to me it is the easiest thing to get laws before Congress in this way, and then the Senate can criticize them and remodel them and reform them to suit themselves.

Mr. CUMMINS. The only trouble in getting laws before us in that way is that there is not the same liberty of dealing with them that would exist if they were to come before us in another way. Gradually I have seen the insidious approach, and so has every Senator. Gradually we will accept the bills as they come from the departments without any change, because we will

come to rely upon their superior judgment with regard to public matters.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I yield.

Mr. FLETCHER. I wish to make this suggestion to the Senator: The circumstances mentioned by the Senator from Oregon [Mr. CHAMBERLAIN] did develop that in the judgment of the Department of Justice, based upon their experience and investigation, the national-defense act of 1911 was imperfect and incomplete. They reported back to Congress, and the Attorney General submitted a bill (S. 258) to meet some of the defects and to cure the imperfection in the national-defense act. The committee naturally turned to the Department of Justice to point out wherein the act was defective and wherein it was incomplete, and to submit to us recommendations. The Department of Justice took that up with the other departments, and the result is this bill. Of course, I do not mean to say that by way of indicating that the committee of the Senate or any Senator has not a perfect right to tear it to pieces if it can be done, but I am simply saying that it was quite natural that the department which had found the laws which we put on the statute books in 1911 defective and incomplete should be called upon to suggest a cure for those defects.

Mr. CUMMINS. I will not dwell further upon the particular way in which this bill came into Congress. I mention the matter only incidentally, anyhow. I am a great deal more interested in what the bills contain than I am in their origin.

I pass now to section 3, and I intend to make the remainder of my comment upon the chapter very brief, for I have already occupied the floor much longer than I had any dream of doing. Section 3 of chapter 1 provides:

SEC. 3. Whoever, in time of war, shall, by any means or in any manner, spread or make reports or statements, or convey any information, with intent to cause disaffection in or to interfere with the operations, or success of, the military or naval forces of the United States, or shall willfully spread or make false reports or statements or convey any false information calculated to cause such disaffection or interference, shall be punished by a fine of not more than \$10,000 and by imprisonment for life or any period less than 30 years.

The first part of the section I have read is, I think, unobjectionable, for the crime involves an "intent to cause disaffection in or to interfere with the operations, or success of, the military or naval forces of the United States." The latter part of the section, it seems to me, is, however, exceedingly dangerous and it ought to be very materially modified. It says:

Of shall willfully spread—

Of course, anyone who spreads at all, spreads willfully— or make false reports or statements or convey any false information calculated to cause such disaffection.

A man may circulate a report or a statement—and the subject is not limited; it may be upon any subject whatsoever—but if it is calculated to cause disaffection or interference with the military or naval forces of the United States he becomes liable to imprisonment for life or for any period less than 30 years. I do not believe that we can afford in our country, even in time of war, to make every man a guarantor for the truth of the statements or reports which he may circulate or spread. I do not think we can afford to subject one who issues a statement, which turns out to be false, to a fine of \$10,000 or to life imprisonment or to imprisonment for any period less than 30 years.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield.

Mr. REED. The language is:

Or shall willfully spread or make false reports or statements or convey any false information calculated to cause such disaffection or interference.

Is it the Senator's opinion that the word "willfully" does not qualify the entire clause?

Mr. CUMMINS. I heard the Senator declare the other day that, used in that connection, it did not; and I believe he was right.

Mr. REED. The Senator heard me raise the question whether the word "willfully" in some other bill qualified some other clause.

Mr. CUMMINS. In connection with one of our prohibitory bills.

Mr. REED. But I am asking the Senator, not in a controversial spirit at all, but with the desire to get his opinion, whether it is his judgment that the word "willfully" does not qualify all that follows, so that the bill in effect means—"or who shall willfully spread or make false reports, knowing the same to be

false"—whether the word "willfully" does not imply knowledge?

Mr. CUMMINS. But the word "knowingly" is not here.

Mr. REED. I will say to the Senator from Iowa that if he or any other Senator thinks that the word "willfully" could be construed as to mean simply that the paper or document was purposely put in the mail or otherwise distributed, and that that did not imply a knowledge of the falsity of the article, then I think the language ought to be changed, for there ought to be no doubt about it.

Mr. CUMMINS. I was quite serious when I said I heard the Senator from Missouri make an argument upon that subject the other day, and it was that argument which first attracted my attention to this particular section of the chapter. It convinced me, and I have since been of that opinion, that the word "willfully" does not qualify the word "false"; that a statement may be willfully spread without being willfully false.

Mr. REED. Of course, if a man willfully made false reports he should be punished.

Mr. CUMMINS. That would remove, in my judgment, the entire objection which I have made to the section. All I object to is that it is too severe a penalty to impose upon one who spreads reports, who intentionally starts a report, but does not intend to produce any injury to his country or to its land and naval forces. If he knows it to be false, I would take quite a different view of the section.

I pass on, for I take it that various amendments will be offered before the chapter is fully considered.

Mr. REED. Will the Senator pardon me for just a moment? The PRESIDING OFFICER. Does the Senator from Iowa yield further?

Mr. CUMMINS. I do.

Mr. REED. In order to make my meaning plain, suppose we should insert after the words "willfully spread," which is the phrase used, the words "knowing the same to be false, or make false reports or statements or convey any false information knowing the same to be false," would that be satisfactory?

Mr. CUMMINS. That would be entirely satisfactory.

Mr. REED. I think, as the doubt has been raised, that the committee ought to modify the language.

Mr. OVERMAN. I think the matter is fully covered; but as the able Senator from Iowa differs and thinks there is doubt about it, I have no objection to accepting that amendment right here.

Mr. REED. I think it will have to be rewritten.

Mr. OVERMAN. Will the Senator from Iowa offer an amendment to that language?

Mr. REED. I would not want to offer the amendment in a haphazard way, because, while I can express the idea very plainly with a great many words, I think it can be expressed in a very few words.

Mr. OVERMAN. Probably the Senator from Iowa has an amendment to cover that.

Mr. CUMMINS. I shall have amendments to propose, assuming that we do not conclude the bill to-night.

Mr. President, I have already commented upon section 6 of chapter 1.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. SUTHERLAND. Before the Senator passes from his criticism of the use of the word "false" without any qualification, the Senator will recall that we had in the Judiciary Committee a discussion of the same matter.

Mr. CUMMINS. I remember that.

Mr. SUTHERLAND. And it was finally there determined that the word "false" itself implies a species of knowledge or deliberation. In that connection I call attention to the definition of the word "false" in Bouvier's Law Dictionary, where it is given its legal significance. Of course it means something more than untrue.

False. Applied to the intentional act of a responsible being, it implies a purpose to deceive.

Citing authorities—

In a statute prescribing punishment for false statements in making an entry of imported goods, "false" means more than incorrect or erroneous. It implies wrong or culpable negligence, and signifies knowingly or negligently untrue.

So that, particularly in a criminal statute, the word "false," unlike the word "untrue," implies all that the Senator from Iowa thinks it should imply.

Mr. CUMMINS. I think there is some ground for the contention just made by the Senator from Utah, but we have not

been in the habit of drawing criminal statutes that are susceptible to different interpretations or constructions; and I do not want the word "false" to go into the law unaccompanied by any qualification.

Mr. REED. I suggest this amendment to the committee and to the Senator from Iowa, who has the floor: In line 7 strike out the word "or" and insert the words "whoever, knowing the same to be false," so that the clause would read:

And whoever, knowing the same to be false, shall willfully spread or make false reports or statements or convey any false information calculated to cause such disaffection or interference shall be punished—

And so forth. With those words in, I think the entire phrase is qualified as the Senator from Iowa thinks it should be.

Mr. CUMMINS. I think the suggestion of the Senator from Missouri will cure every objection I have to the paragraph, but inasmuch as I am passing through the entire chapter and analyzing it as best I can, I would prefer that action on the amendment should not be taken at this time, as I am about to close my comment upon the chapter.

As I was remarking a moment ago, section 6 is the section which gives to the President the power to designate any place in the United States other than those set forth in paragraph (a) of section 1 as a prohibited place which one not lawfully entitled to do so is forbidden to approach or to enter or to acquire any information about. I need not say more than I have already said in regard to that section.

These are my objections to chapter 1. I think that, taking the chapter as a whole, it is subversive of the civil liberty of our citizens. I think it will render life in times of peace unsafe. I think it will subject the freedom of the people to the will or whim of the executive officers of the United States. I think it is vastly more important, Mr. President, that we preserve untouched and unmodified the spirit of our institutions than it is to guard every avenue through which information concerning our national defense may escape.

I will at the proper time offer certain amendments to this chapter as well as to other parts of the bill.

Mr. LEE of Maryland. Mr. President, I desire to ask the acting chairman of the committee whether this bill has not been prepared upon the theory of preventing espionage in advance of war, rather than of preventing espionage after war has commenced; and as to whether it is possible, without interference with the commerce and natural liberties of a people, practically to prevent espionage before war commences?

Mr. OVERMAN. The bill provides for the prevention of espionage in time of peace, when war is imminent, while war is flagrant in the land, and after war—at all times.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. Yes.

Mr. REED. I offer an amendment, which I hope the chairman of the committee will accept. I have already called his attention to it. In section 3, page 6, line 7, strike out the word "or" and insert "and whoever, knowing the same to be false."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In chapter 1, section 3, on page 6, line 7, after the words "United States," strike out the word "or" where it occurs the second time, and insert "and whoever, knowing the same to be false," so that if amended it will read:

SEC. 3. Whoever in time of war shall, by any means or in any manner, spread or make reports or statements, or convey any information, with intent to cause disaffection in or to interfere with the operations or success of the military or naval forces of the United States, and whoever, knowing the same to be false, shall willfully spread or make false reports or statements or convey any false information calculated to cause such disaffection or interference, shall be punished by a fine of not more than \$10,000 and by imprisonment for life or any period less than 30 years.

Mr. OVERMAN. I think the words suggested by the Senator from Missouri cover what was intended by the committee and what, after discussion, the committee concluded the words "false reports" would be construed to mean; but, inasmuch as the Senator from Iowa [Mr. CUMMINS] has some doubt about it, I will offer no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President, I desire to say a word further. During my absence from the Senate it seems that my name has been taken in vain by the Senator from Washington [Mr. JONES] and the Senator from Iowa [Mr. CUMMINS]. They were discussing paragraph (f), which reads:

Whoever, within the United States, sends by post, or otherwise, any letter or other document containing any matter written in any medium which is not visible unless subjected to heat, chemicals, or some other treatment, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both.

When that was under discussion the following colloquy occurred:

Mr. CUMMINS. The penalty is imprisonment in the penitentiary for two years—that is the maximum—and \$10,000 fine.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I yield.

Mr. JONES. I have looked at the Congressional Directory, and I find that the junior Senator from Missouri [Mr. REED] is a member of the Judiciary Committee. As I understand, this bill was reported from that committee.

Mr. CUMMINS. It was.

Mr. JONES. I am amazed that such penalties as that should be prescribed for sending love notes through the mails—sending a man to the penitentiary for two years and fining him \$10,000. I am amazed that the junior Senator from Missouri is not here protesting against such barbarous legislation as is proposed in that bill.

Mr. CUMMINS. I do not wonder that the Senator from Washington is amazed. The penalties that have been suggested with regard to our legislation for prohibition are mere love taps or wrist beatings as compared with the punishment that is meted out to those who do these things.

Now, Mr. President, of course this was all a bit of pleasantry, had in my absence from the Chamber. I would not treat it seriously except that the pathetic character of the humor forbids levity. However, I think I should assure the Senator from Washington that if he is in the habit of writing his love letters in invisible ink, and therefore feels that the clause of the bill against which he protested will infringe his personal liberties or compel him to alter his habits, I shall be delighted to support an amendment which will exempt him from the penalties of the act.

The truth about the matter is that while I am a member of the Judiciary Committee, as is the Senator from Iowa, like the Senator from Iowa I found it impossible to be present at all times when this legislation was being considered. I know that the Senator from Iowa was, during a part of that time, serving upon another important committee which required his attendance. It happens to be my fortune to be a member of the Banking and Currency Committee, which was considering important legislation, and also of the Commerce Committee, which was considering the river and harbor bill, and all three committees were sitting at the same time; so that while I gave to this bill when in committee such attention as I could the particular clause under discussion never came to my attention until this afternoon, when I learned of the witty remarks of my friend.

However, the bill does relate to serious matters, and this clause of the bill is intended to prevent practices which may be very dangerous. Nevertheless, I remark now, lest I should forget it later, that I believe the clause is very imperfectly drawn. It should be amended, and I will endeavor to draft an amendment which will more clearly express the purpose which was in the mind of its author. The purpose and, I think, the construction which would be given, notwithstanding the somewhat broad and sweeping language of the clause, was to prevent the information of the kind and character which is prohibited by the other clauses of the bill being transmitted through the medium of invisible writing—an act which in itself clearly indicates the purpose of the writer to send the information in such a way as to prevent the authorities from knowing that it is being conveyed. The section of the bill is intended to relate distinctly to that kind of communication which is adopted by spies or those who conspire against our Government, and the proposition must be treated from that standpoint.

Mr. President, conceding, as I do, that the language ought to be made clearer—for I think there never should be any doubt as to the purpose of a law if that doubt can be removed by a proper use of the English tongue—I nevertheless take this occasion to call attention to the fact that a very grave situation confronts the United States at this moment. We have so long been in a condition of real or imagined security that it is difficult for us to understand that a great menace confronts the country. At absolute peace with ourselves, and desiring peace with all the world, it is very difficult for the American people to imagine that any foreign power will so conduct itself as to menace our rights as a Nation. But the man who will not be aroused to a state of anxiety and caution, and whose sober judgment will not be enlisted, by the circumstances that now confront us is very dull indeed.

We do not know at what moment the bolt may fall. We hope, and we will continue to hope and to pray, that our country will escape being drawn into conflict with any nation, great or small. But when we have proceeded to a point where it has become necessary to sever diplomatic relations with a great nation, and when we find that a policy is being pursued that is violative of our rights as a sovereign power upon the high seas, when we see American commerce congested in our ports and the threat boldly made that every vessel will be sunk that dares sail the

seas unless it obeys the rules laid down by another nation, when we know that the threat is being boldly and relentlessly executed, it is time to set our house in order, still hoping for peace, but preparing for whatever may eventuate.

This bill may contain language that is too broad; it may contain phraseology which must be modified; but it would be a better service to the country if Senators, instead of sneering at it and simply performing the office of carping critics, were to bring to it their highest thought and best energies in order that the measure might be speedily perfected and enacted into a law.

This bill is intended to apply to two conditions: First, to a case of actual war; second, to a case so threatening that the President shall be justified in declaring an emergency to exist. It is not conceivable that the President will declare such an emergency out of mere caprice or in obedience to a mere whim. It must be regarded that the President will not exercise the great powers conferred by this bill unless conditions are so grave as to warrant the action.

You say that the bill confers great powers upon the President. Powers, sir, must be reposed somewhere. Under the Constitution we have given to the President the supreme command of the Army and the Navy of the United States. It is always possible that some President may abuse that great power. Some day some President may try to employ it to subvert the liberties of the American people. That argument was made when the Constitution was written. And yet the power to command the Army and the Navy had to be placed in some human agency. It was necessary that the trust should be reposed in some human soul. It was believed then and experience has thus far warranted the confidence that the President would not abuse that power.

If we can confer the supreme command of the Army and Navy upon the President, we surely can trust him not to declare an emergency unless a real emergency exists. I speak not alone of the present Executive. The same statement could have been made of his predecessors. I know of no instance where a President of the United States has not always evinced a patriotic love of his country and of the liberties of the people.

It is said that "this bill will circumscribe the liberties of the press." In time of war, or threatened war, it may be necessary to limit the right of the press to send out information which will be beneficial to the enemy as it is to limit the right of the private citizen. In time of war, or grave danger of war, the ordinary liberties and rights of all of the citizens of a country must give way to the supreme necessity of the hour.

Newspapers perform a most useful function. For the complete liberty of the press all of us have always stood. And yet, if we were in a state of war and newspapers were permitted to print every movement of our Army, every movement of the Navy, they might be performing an office more dangerous to us than would be the presence of a thousand spies who were operating only through secret channels. It might be that information would thus be given to the enemy which would result in the sinking of the American Navy. It might be that the publication of the plans of a fortress or the location and character of a line of defense conveyed to the enemy would give to the enemy commander such an advantage as would enable him to overwhelm our troops. The price of a single article giving important information might be paid in the blood of thousands of gallant men.

It is said we need no such law in time of peace. There may be conditions so closely approximating the dangers of war that the authority must be exercised even though war has not yet occurred. Let me give you an illustration. I do it without the slightest offense, I hope, against the particular newspaper I hold in my hand. I will say by way of parenthesis that what it did the other day is no worse than other papers have been doing. I speak of the article therefore merely for purposes of illustration. Here is the Washington Times of yesterday. Let me read the headlines:

Wilson plans big naval demonstration against German U-boat campaign.

Tentative arrangement to be laid before Cabinet meeting to-day.
Made in secret.

Then follows the statement in the body of the article that—

The plans are understood to have been completed at a secret meeting of the Naval Officers' League last night at the Navy Department, following the conference which the President held late yesterday afternoon at the White House and at the State, War, and Navy Building, Secretary of State Lansing, Secretary of the Navy Daniels, and Secretary of War Baker.

With some omissions, this follows:

While the greatest amount of secrecy has been thrown about the meeting, it is learned that the plans agreed upon for submission to the President embrace every phase of future developments, from the arming of American merchant ships with naval guns to an active campaign

against the German U boats. Also considered and arranged for, it is understood, was the intermediary step of convoying American merchant vessels through the war zone.

There is more of the article, but notice the import of it. Naval and military officers hold a secret meeting. Why secret? So that their plans may be effectively put into execution. The Cabinet meets in secret to consider it. Why secret? Because the knowledge conveyed to the country with which we unfortunately sustain strained relations might defeat our plans. Yet a newspaper regards it as entirely proper and as a highly commendable piece of journalism to publish broadcast to the world all it can find out and all it can infer with reference to those meetings.

I do not impugn the motives of this paper. I say that it is a part of the general policy that has been pursued by the press for many years, and yet I venture the opinion that if the editor of the Times had been asked to convey that same information to a German officer he would at once have said, "If the Cabinet desire that this shall be secret, and if the military authorities desire that it shall be secret, I, as a patriotic American citizen, will not breathe a word of it." I know he would have said that.

Possibly no harm was done by the publication by the press of the statements I have referred to. Nevertheless it serves to illustrate what is likely to happen if international relations remain strained. Likewise it shows what is certain to occur if unhappily war does come, namely, that the proprietors of the press, desiring to furnish their readers with information, having that motive and that purpose in mind, will print everything they can get to print. They will not pause to consider what uses an enemy may make of the information.

So when we propose this character of legislation it is not out of enmity to the press, neither does it spring from a desire to throttle public discussion or to subvert the liberties of the people, but it is because the safety, aye, perhaps the life, of the Nation may be jeopardized by the indiscriminate publication of information. The measure, therefore, viewed in that light is not a hard measure directed against the press or against the rights of the citizens; it is, on the contrary, calculated to protect the country itself and hence to protect the rights and liberties of all its inhabitants.

Mr. President, I have referred particularly to the press because it has always been regarded as one of the institutions of our country that is to be given the fullest liberty, and with that sentiment I am in complete accord, but the illustration I have used I desire to have applied to all the provisions of this bill. These provisions are intended for times of danger. They are meant to be employed only for the protection of the Nation. The abuse of a single one of these powers would result in an instant repeal of the law by Congress.

Therefore we ought to regard this measure as a very solemn one. We ought to discuss it fairly, having in view only the production of the wisest law we can frame. We ought also to bring the legislation to the point of passage and signature at as early an hour as possible.

Let me say this in conclusion. Those who have watched the war between the central powers and the allies have observed one thing: Germany has always been ready; the allies have rarely been ready until blow after blow has been struck. Let us employ the days we now have so that if the worst comes to the worst we shall at least have the satisfaction of feeling we have done our best.

Mr. LEE of Maryland. Mr. President, the question arises in my mind, as I listen to the remarks on this bill from Senators who seem to be considering it quite judicially, as to whether or not the provisions in the bill, intended to prevent improper reports getting abroad with reference to American military conditions, are not so light and comprehensive that they will tend to cut off a legitimate discussion of unpreparedness in this country. We are a Republic, and we are subject, as a Republic, to the infirmity of a lack of military preparation. The Senator from Missouri has just referred to that condition. An imperial nation, with an imperial head and a military aristocracy, if it has any virtue at all will have enough of military discipline and preparation and more than enough. But in a republic there is generally need to have the public mind stimulated and awakened to the necessity of some reasonable preparation for war.

I have been somewhat of late in the Committee on Military Affairs of the Senate, and so far as I can judge it is the opinion of the chairman, the Senator from Oregon [Mr. CHAMBERLAIN], who is here now, that the country at large, rather than the War Department and Congress, is responsible for our present lack of preparation.

Mr. President, does not the language of this bill go so far as to practically prohibit citizens in public meetings from speaking in detail of the unpreparedness of the country, because to speak

definitely, to describe actual conditions, would be information affecting the national defense?

Winter before last, if I remember correctly, a friend in New York sent me a letter from Gen. Scott, which I put into the RECORD in connection with our having no great movable guns. By reason of the way in which the Germany artillery destroyed the fortresses of Liege and Namur large stationary guns in fortresses are held to be no longer a defense to a country, and it was thus discovered by the allies and our own military men that the great gun must also be a movable gun, because if it has a fixed position the movable and concealed gun of the enemy will necessarily destroy it. That letter from Gen. Scott to this gentleman in New York, in answer to an inquiry on this subject of great movable guns, stated that after considerable effort the general had persuaded the Secretary of War and the General Staff to agree to the manufacture of six such guns, and that they were going to manufacture the six guns, but they had not yet arrived at a proper kind of mount to put them on, and as soon as the plans for the mount were prepared they were going to go ahead and manufacture the six movable guns, all they apparently contemplated of that absolutely essential form of ordnance under modern conditions.

Mr. President, last winter, after one year, we had not manufactured them, and now, after another year, if a citizen happens to know, as I know that these guns have not yet been manufactured, can he not mention the subject? Would he not be open to the penalties of this act for discussing a lack of preparedness in the War Department of which every government in Europe is fully aware?

Mr. OVERMAN. Oh, no.

Mr. LEE of Maryland. It is absolutely pertinent to our national defense that we should have some of these great movable guns. Six hundred of them—several thousand of them—would be in proportion to the coast lines we have to defend. Yet when a citizen ascertaining these facts, organizes an agitation in this country for some remedy, even in time of peace, is not that citizen open to the indictment of this proposed statute?

Mr. President, I sympathize very greatly with all the feelings that these gentlemen have expressed about the necessity of protecting governmental and military secrets, but in a republic, in a country like ours, that has so little land preparation, in attempting to conceal so-called secrets, are we not concealing them from ourselves only and more likely to prevent the proper development of our military defense than to advise an enemy?

As I look at this situation, so far as from suppressing any detailed agitation and comment upon the lack of preparation in the country, comment ought to be stimulated. The country needs more agitation than it does secrecy just at this stage of our national armament.

I have been listening with a great deal of interest to the comments of the various Members of the Senate on this bill, because I can not help feeling that in seeking one end they have, to a certain extent in the preparation of the bill, overlooked the general conditions that confront a free country trying to arm itself and to protect its national and international rights.

This is a very drastic measure, Mr. President; and without feeling at this stage that I should vote against it, I certainly hope that there will be some definition put into the bill, something wherewithal to protect the citizens of the Republic in the exercise, in times of peace at least, of what might be called customary rights in the exercise of their ordinary avocations.

I could not help thinking of the situation in my State as I heard the debate going on. Nearly every county seat in Maryland has a militia company with an armory either built by the State or rented. In that armory are the rifles and equipment of those troops. These armories are also used for social purposes, speaking, and lectures. Everybody knows how many rifles are there; but it is to be made a crime to go there in time of peace. Generally speaking, these towns are on the railroads. Now, suppose that under this section 6 the President makes the railway one of the so-called secret places that you could not go near. The armory being already in seclusion, a citizen passing over the railway going to get his mail, say, and into that armory would have violated, in a time of peace, two of the prohibitions in this statute.

Possibly this proposed law may have some other aim than the one expressed. It may be that it is going to settle the railroad-strike question in an indirect manner. But whatever may be the real significance of this statute, it does seem to me that its terms are so comprehensive that they overshoot the mark with reference to military precautions in time of peace.

I agree fully with everything that the statute has in it with reference to times of war. That is a different condition. Take the question of locating these great movable and concealed guns. In times of war all population can be taken out of the section

where these guns are to be located. Sentries can be posted and the concealment of the great pieces, or any other military preparation that is necessary can go on, and the death penalty be visited upon the person improperly revealing these military secrets. But in time of peace in a republican form of government criticism of the acts and more especially of the neglects of the Government with reference to military preparation are pertinent and right. It does seem to me, Mr. President, that this bill as now worded goes too far.

Mr. REED. Mr. President, before the Senator from Maryland takes his seat I desire to ask him a question.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Missouri?

Mr. LEE of Maryland. I do.

Mr. REED. The Senator speaks of giving out information in time of peace, and says it is entirely proper to visit the death penalty for such an offense. Of course he means that the death penalty might be visited in an extreme case. But now let us take a situation like this—I will put a hypothetical case, so that it will not have any bearing on present conditions: Suppose our country was so situated that the President knew in all human probability that war was about to be declared against us, but that war has not been declared; and, in order to be ready, the President, as Commander in Chief of the Army and Navy, should undertake to have established a line of secret batteries so posted as to protect the city of Baltimore; and, in order to keep that information from getting out, he were to declare an emergency, such as this bill contemplates must exist if the declaration is made, and some individual were to slip in, find the location of these batteries, and carry the information where it would do us the most injury; and all this occurred in time of peace, but also during an emergency such as this bill provides for, would the Senator say that Congress ought not to pass some legislation to reach that kind of a case?

Mr. LEE of Maryland. Has the Senator finished his question?

Mr. REED. Yes.

Mr. LEE of Maryland. Mr. President, the hypothetical case suggested by the Senator from Missouri is precisely what I was talking about, namely, the location of these great guns in such manner that their positions could not be revealed to an enemy. My feeling is that such guns can not be finally located until war is declared and absolutely tight lines of military exclusion are drawn to protect the location of such pieces from common knowledge; and my general feeling would be that any attempt to draw such lines upon the commerce of the people in times of peace would really not keep out the spies of an enemy but would simply operate to inconvenience and harass our own people.

I do not believe, Mr. President, that military men with actual experience in the management of the great artillery struggles on the other side would, with ordinary commercial activities going on, rely upon keeping secret for any length of time the location of such great pieces. It is a matter of art to conceal them; it is a matter of great precaution during hours of daylight to keep their places of concealment from becoming known. The whole business is something to take place after war is declared, rather than to burden commerce with an awkward attempt to control spies, who are necessarily beyond control so long as ordinary commercial activities go on.

Mr. REED. Then the Senator does not believe that we have any business to prepare for war until war is actually upon us?

Mr. LEE of Maryland. Far from it, Mr. President.

Mr. REED. And that up to the very moment—

Mr. LEE of Maryland. The Senator from Missouri has not been listening to what I have been saying or he would not have made that remark.

Mr. REED. I am merely construing the Senator's own words.

Mr. LEE of Maryland. I believe—and I think the Senator will believe if he thinks over it a little bit more—that the nakedness of this country, so far as military preparation is concerned, had better be agitated, and extensively agitated, by our people, and that any effort to conceal that nakedness from ourselves or to prevent criticism of our Military Establishment, when its insufficiency is known to all the world, is a great mistake for any patriot in this country to be a party to.

Mr. REED. Mr. President, of course, nobody intends to stop people from agitating for more preparation; nobody has dreamed of that; but the position of the Senator from Maryland is that it is all right to buy guns, all right to buy ammunition, and all right to get ready, but that it is also all right to tell the enemy all about it, even when you stand in the very shadow of an impending conflict.

The point of difference between the Senator and myself is that I think when we reach a condition so dangerous that the President declares an emergency it is then time to begin getting ready and protecting ourselves against spies and against the

giving out of dangerous information; and that it is not necessary to wait until the guns of the enemy are thundering at the gates of our cities.

Mr. OVERMAN. Mr. President, I submit the amendment which I send to the desk. I will say that some clerks for service in connection with the issuance of passports charge \$1.50 and some charge \$6. The amendment proposes to fix a uniform system of fees for this service.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In chapter 4, section 1, page 12, line 8, after the word "passport," it is proposed to insert the following:

Clerks of the United States courts, agents of the Department of State, or other Federal officials who may be authorized to take passport applications and administer oaths thereon shall collect for all services in connection therewith a fee of \$1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina.

Mr. REED. I should like to know the object of that amendment.

Mr. OVERMAN. The fees charged for passports in this country run all the way from \$1.50 to \$6, and this is to make the charge uniform.

Mr. REED. Is that amendment germane to this bill?

Mr. OVERMAN. Yes, sir.

Mr. REED. Very well, then; I have no objection to it.

Mr. OVERMAN. It comes in on the passport section, and provides a uniform fee of \$1 for a passport.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

Mr. WALSH. Mr. President, I am very glad, indeed, that the Senator from Iowa [Mr. CUMMINS] has directed our attention, in his usual persuasive way, to some of the features of this proposed legislation. It is possible that the scope and effect of section 1, of chapter 1, may be broader than it was the purpose of those who are responsible for framing the legislation desired or intended. In practical operation, I am very certain that no harm would come to the law-abiding citizen by reason of the bill if it took effect in the language in which it is now framed. There is, however, it might be said in perfect justice to those responsible for it, more or less ambiguity in the language found in lines 4 and 5, on page 1, "to which he is not lawfully entitled." The section recites—

That whoever, for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled—

And so forth.

Then, Mr. President, it is, I feel sure, rather wider in its scope than it need be. It denounces as a criminal anyone who, "for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, approaches, goes upon, or enters," among other places mentioned, any "building, office, or other place connected with the national defense." Of course, the office of the Secretary of War is a place connected with the national defense, and if one enters that office for the purpose of securing information concerning the national defense to which he is not entitled, he would become amenable to the penal provisions of this act. Now, some lady having a son among the troops upon the border and solicitous concerning his welfare, might easily enter the office of the Secretary of War and ask the Secretary of War when the soldiers were coming home from the border, and, of course, he would be obliged to say to her, "My dear madam, that is information to which you are not entitled, and I can not give it to you." Technically, and under the exact language of this bill, the lady would be guilty of a violation of the act. Of course, no one intended any such result at all. As I have said, I think the words "to which he is not lawfully entitled" are too ambiguous to be given a place in a penal statute.

I am going to propose a modification of the language in that respect, which will, I think, remove much of the objection urged against this section by the Senator from Iowa. I shall not ask consideration for the amendment this evening, but shall call for a consideration of it later in the history of the bill. I suggest that the words "to which he is not lawfully entitled," on page 1, lines 4 and 5, be stricken out, and that there be substituted instead the following: "without the permission, expressed or implied, of one lawfully entitled to give the same," so that the section shall read:

That whoever, for the purpose of obtaining information respecting the national defense, without the permission, expressed or implied, of one lawfully entitled to give the same, approaches, goes upon, or enters, flies over—

And so forth.

So that two things will be necessary: The one who does it must have permission, either expressed or implied, from one lawfully entitled to give it, and he must enter or go upon the place for the purpose of getting information concerning the national defense.

The conditions that surround the *Mayflower* have been adverted to. Her dock is within the confines of the navy yard. If the gates of the navy yard are swung wide open, of course that is an implied invitation to anyone to go through. If the gates are closed, one must, as a matter of course, get some express authority to go inside, or he becomes liable under the act.

Criticism has been made also, Mr. President, of subdivision (f) of section 1, chapter 1—a very just criticism to my mind. That subdivision received the careful consideration of the Judiciary Committee. I myself invited the attention of the committee to its provisions.

Mr. OVERMAN. To what provision does the Senator refer?

Mr. WALSH. The provision at the bottom of page 3, extending over into page 4, subdivision (f) of section 1, chapter 1. I was of the opinion that it ought to be stricken out of the bill; and I move now that it be stricken out. I was dissuaded from asking that action by the committee on the consideration that it was a privilege that perhaps would not be prized very highly by any citizen—the privilege of sending by post a communication written in invisible ink that could not be brought out except by applying heat or through some chemical action. It occurred to me that it might be made use of in these stressful times for the purpose of communicating to the enemy information concerning the national defense, which it would be unfortunate that they should receive; and inasmuch as it is, in the very nature of things, impossible for one to determine whether it is in its nature entirely innocuous or entirely harmful, the only way in which it could be reached at all would be to prohibit the communication altogether; but I am not satisfied that the practice is fraught with any such danger as to necessitate a specific provision of the character contained in the bill.

Another feature of the legislation is—

Mr. REED. Mr. President, the Senator has moved to strike out subdivision (f). Does he desire to have the question put on that motion now?

Mr. WALSH. Unless the chairman of the committee is desirous of disposing of the bill this evening, I would rather allow these suggested amendments to go over.

Mr. OVERMAN. I understand the Senator from Iowa expects to offer some amendments.

Mr. CUMMINS. Mr. President, I think it will be impossible to dispose of the bill to-night. I have certain amendments that I intend to propose to chapter 1, but I am not prepared to offer them at this time. I may say that, in a general way, the Senator from Montana has already anticipated two of them; but there are others. I believe that most of the offenses named in chapter 1 ought not to exist without an intent to injure our country or to aid another. That intent ought to be aptly expressed. Of course I do not mean that it ought to be phrased in the way I have just stated it, but that gives a general idea of my intention.

Mr. WALSH. I understand that is the Senator's idea.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Did the Chair understand the Senator from Montana to say that he made a motion? The clerks at the desk so understood the Senator.

Mr. WALSH. I did.

The PRESIDING OFFICER. Then the motion of the Senator from Montana is the pending question before the Senate.

Mr. WALSH. I said likewise that I did not desire, unless the Senator in charge of the bill wished to dispose of the bill this evening, to have the amendments proposed by me now acted upon.

Mr. OVERMAN. I will ask that the amendments go over for the present. I desire to present some amendments relating to a different subject.

The PRESIDING OFFICER. In order that the parliamentary situation may be clear the Chair will state that the motion of the Senator from Montana is now pending.

Mr. OVERMAN. As I understand, it is an amendment, not a motion.

The PRESIDING OFFICER. The Senator from Montana has moved to strike out subdivision (f) of section 1, chapter 1.

Mr. WALSH. I simply offer the amendment, not for action at this time.

I desire to say, Mr. President, that I am not in harmony with the view expressed just now by the Senator from Iowa. I do not think we ought to make the intent to do harm to the United States or to convey aid or comfort to the enemy an element in

these crimes. We differ radically there, and I would not like to be understood that it is in any such spirit that these amendments tendered by myself are proposed.

Mr. President, we could very readily conceive that some enterprising newspaper man, some writer for the magazines, would go about to get this information without any purpose whatever to convey it to the enemy. He simply wants to do it for the enlightenment of the American people, as he believes, for their information, and perhaps his purpose does not go any further than to make a story that he can sell to some periodical. I think that ought to be guarded in the way that this legislation seeks to guard it.

Mr. CUMMINS. I think I agree with the Senator from Montana in at least some respects. I think that in time of war a certain espionage or certain restrictions may be placed upon the rights of citizens that are not at all desirable in time of peace, and if we were in war I would not complain of proper restrictions being put upon the publication of information concerning our country in a great many things, and especially about the movements of our Army or Navy. But there is a great deal of this bill that is not confined to times of war. The particular paragraph in regard to newspapers, or the general publication of matters concerning the national defense, is confined to time of war; but, for instance, the first paragraph is not. It applies to time of peace. That offense may be committed at any time, and I can not believe that we ought to make it a criminal offense for persons to secure information respecting the national defense in time of peace, unless there is some evil intent in securing the information, unless it has some wrongful purpose.

Mr. WALSH. Mr. President, let me illustrate a little further how the Senator from Iowa and myself differ with respect to that. I was called from the Chamber just 10 minutes ago by an old and very dear friend, who is a writer for the magazines. He is here in the city of Washington to-day for the purpose of finding out about anything with relation to which he could write an interesting story for publication in the magazines. Now, Mr. President, we are in peace at the present time, at war with no nation; but I can not conceive of a subject upon which he could write which would be read with more profound interest at the present time by everybody, or that would be more sensational in its character, than the exact location of the mines that there are supposed to be in New York Harbor; than the whole story of the preparation that has been made all up and down our coast to meet any possible enemy.

Mr. OVERMAN. The wire nets at Guantanamo, for instance.

Mr. WALSH. To tell just exactly how many submarines we have, and just exactly where they are located, and just exactly how they are going to operate.

Mr. LEE of Maryland. Mr. President, will the Senator yield for a question?

Mr. WALSH. I shall be very glad to do so.

Mr. LEE of Maryland. War not being declared, and the ordinary channels of commerce and the movements of people in trade not being stopped, does the Senator believe for a moment that the main details in respect to the things that he has mentioned are not already in the possession of the spies of any possible enemy of this country?

Mr. WALSH. Mr. President, I do not undertake to say. I am very sure that they have very much more information about this matter than we wish they had. But we are taking pains, by means of this legislation, to see that they do not get any more than we can avoid; that is all. We certainly ought to make it criminal upon their part at least to get the information, and, as I understand the Senator from Iowa, he does not object to that at all. So that the suggestion that foreign powers are already possessed of this information has no relevancy, as it seems to me, to the question that is before us, which is whether we ought not only to prevent those who seek to get it for the benefit of foreign nations, but those who seek to get it without any such purpose, but who, by disseminating it, would put it at the command of these people.

Mr. CUMMINS. I was not, as the Senator knows, discussing the publication of information. I was discussing at that moment the first paragraph "(a)" of chapter 1, which covers the effort to secure information. Now, I do not think that the Senator's friend ought to be regarded as a criminal because he attempts to secure that information. As to the location of mines, I do not know that there are any; but I take it that he would not ask the Senator from Montana the location of those mines, because I have an idea that he is just about as ignorant on that subject as I am. But suppose he goes to the Secretary of the Navy and asks for that information, and the Secretary of the Navy says, "I will not give it to you." Suppose he asks without any lawful authority, but simply because he wants the

information, and tries to get it. Under this measure you would denounce him as a criminal.

When it comes to the publication of the information, if you want to extend the right of the President to suppress newspapers in time of peace, that is a distinct subject of itself, I think; and I do not know but that there are a good many things which I would be willing to put into the law that might curtail, to some extent, the freedom of the press. I am speaking now, however, about the effort of the American people, those who are not in official life at all, to secure information with regard to public affairs; because "the national defense" in fact embraces the whole field of public affairs, or may embrace that whole field.

Mr. WALSH. Just another feature, Mr. President. I understood the Senator likewise to object quite strenuously to a provision, found a number of times in the act, under which the President is authorized to use the Army and Navy for the purpose of preventing violations of the act and for apprehending any persons who may be guilty of a violation of them. That has been proposed as something in the nature of a departure in our legislation. It is suggested that legislation of that character vests the President of the United States with the power practically to declare war, because a vessel, for instance, violating any of the provisions of this act and seeking to escape would be fired upon, and that would constitute an act of war. But if that is the case, Mr. President, we have been occupying that field for, lo, these many years.

Mr. OVERMAN. Mr. President, right there, will the Senator yield to me?

Mr. WALSH. Certainly.

Mr. OVERMAN. I call the Senator's attention to article 10 of The Hague International Peace Conference or treaty:

The fact of a neutral power resisting, even by force, attempts to violate its neutrality, can not be regarded as a hostile act.

Mr. CUMMINS. Mr. President, there must be a great misconception somewhere in the minds of the Senator from Montana and the Senator from North Carolina. I did not say that it was a new departure. I offered yesterday an amendment to section 8 of that chapter which relates to embargoes upon arms and munitions of war. I have not even suggested any objection to the same power in other chapters of the act, although I think as to perhaps one other there is a just objection. But we have never yet attempted to confer upon the President of the United States the right to use the Army and Navy for any such purposes, I think, as are found in the chapter—I do not remember its number—to which I have referred.

For instance, I ask the Senator from Montana this question: In the first place, Congress has to authorize the President to proclaim an embargo before he has the authority to do it. It has nothing whatever to do with neutral rights or our obligations to any nation. It is simply a matter as to our own policy. Suppose that Congress should give the President authority to establish an embargo against the exportation of arms and munitions to Canada. The embargo is properly established. A carload of arms or munitions, however, escapes the watchfulness of the officials in charge of such matters, crosses the St. Lawrence River, and is in Montreal. Does the Senator from Montana believe that we ought to authorize the President to lead an army into Canada for the purpose of recapturing the carload of munitions that had passed into that Dominion?

Mr. WALSH. I should say not.

Mr. CUMMINS. Well, that is just exactly what you do in this chapter, if I understand it.

Mr. WALSH. I do not agree with the Senator from Iowa in that construction of it. I think it would be a forced construction to give to the statute to say that it means that we intended to empower the President of the United States to invade a country with which we are at peace by either the Army or the Navy.

Mr. CUMMINS. It is to restrict the President in that respect that I have offered the amendment. I will speak upon it when the time comes, and I think I can convince the Senator from Montana that that is the interpretation which must be placed upon the act, disassociating that interpretation entirely from any suggestion that a President of the United States would do the thing; but I say that that is what we attempt to authorize him to do.

Mr. WALSH. I should hardly think so. Of course, I was not able to be present at all times during the discussion of this subject by the Senator from Iowa. I was referring to some comments that he made in relation to section 8 of chapter 9, appearing upon page 24 of the bill, as follows:

The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this chapter.

It was in reference to whatever the Senator from Iowa said concerning that section that I have spoken; and I understood him to take the position that that section authorized the President of the United States to declare war or to precipitate war—

Mr. CUMMINS. No.

Mr. WALSH. And that it was a departure in our legislation, something that had never before been heard of. Of course, if the Senator does not take that position—

Mr. CUMMINS. The Senator is partly right. It is to that section that my remarks were directed yesterday, and it is to that section that I offered an amendment which I withdrew for the purpose of reframing it. The general purport of the amendment was to declare that the section shall not be construed to authorize the President to commit an act of war. As I now have it, it is that it shall not be construed to authorize the President to use the Army and Navy beyond the territorial limits of the United States to commit an act of war against a nation with which we are then at peace.

Mr. WALSH. Then, Mr. President, I want to call the attention of the Senate to a precedent for this legislation as old as 1838, an act under which the President of the United States was authorized to employ the land and naval forces of the country, and it was not deemed necessary to put into that act a stipulation that he should not invade the territory of a country with which we were at peace. I read from page 214 of the fifth United States Statutes at Large, an act approved March 10, 1838, which contains the following language:

That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation, and to enforce the due execution, of this act, and the act hereby amended.

Now let me remark, Mr. President—

Mr. CUMMINS. What was the act? I am not familiar with it.

Mr. WALSH. The act, Mr. President, was passed in view of the threatened invasion of Canada, as it will be recalled, about that time, by forces from this side of the international boundary line. It is entitled:

An act supplementary to an act entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," approved April 20, 1818.

It provides for the seizure of any vehicles or any vessel or any arms going across the border pursuant to a conspiracy hatched in this country to overturn the Government of Canada.

I also call attention to an act older than that, dating from 1818. I read from the fifth volume, Federal Statutes, annotated—

Mr. CUMMINS. May I comment for a moment on the act to which the Senator has just referred?

Mr. WALSH. Certainly.

Mr. CUMMINS. It is very plain that the President's authority under that act was limited to things done within the territorial limits of the United States. In the act to which I have offered my amendment, as I understand it, there are provisions for the execution of whatever power we have beyond the territorial limits of the United States. I have no objection to the use of the Army and Navy within our own territorial limits. My objection is to the use beyond our own jurisdiction.

Mr. WALSH. Certainly the Senator could find no authority in the language to which I have called his attention at page 24 of the bill which is not likewise found in the act of 1838, for the language is identical.

Mr. CUMMINS. That depends entirely on the nature of the offense that is to be punished or the nature of the act which is to be prevented. It was said yesterday very emphatically—I think the Senator from Montana was absent—that if, for instance, a ship escaped, having received clearance from our ports and having gone upon the high seas, possibly having reached a foreign port, and it being discovered that it had carried arms or munitions contrary to the proclamation of embargo, it was expected that our warships would pursue the ship, and no matter where she might be found, capture her and return her to the port from which she sailed.

Mr. WALSH. I do not see how possibly a court could ever give any construction of that character to the act. It clearly means that she may be seized within our territorial waters or that she may be seized on the high seas.

The next statute which I am going to call to your attention is just that kind of a case in which the President is authorized to pursue any vessel leaving our waters without the requisite permission and to use the Army and Navy to seize and capture that vessel and bring her back; but no one ever thought he had the right to invade the territorial waters of another State to do it.

It dates from 1818, and is quoted in the fifth volume of Federal Statutes, annotated at page 376, and reads as follows:

It shall be lawful for the President, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, she ought not to remain within the United States.

That was not construed as authorizing the President to follow the vessel across into her home waters or into the waters of some neutral nation and there seize her.

Mr. CUMMINS. I do not believe the President ought to use the Navy on the high seas for that purpose; but the Senator from Montana will differ with me in regard to that.

Mr. WALSH. I do differ very decidedly.

Mr. CUMMINS. But, aside from that, the Senator from Montana agrees with me in regard to the matter. Our only disagreement is that, in his opinion, the amendment is not necessary.

Mr. WALSH. Quite so, except that I was misled apparently into the belief that the Senator reached the conclusion that the use of the Army and Navy for the purposes in our own territorial waters or upon the high seas would be a grant of power to the President of the United States to declare war.

Mr. FLETCHER. Will the Senator allow me a moment? I think the Senator from Iowa had in mind some observations made by the Senator from New Mexico [Mr. FALL] upon that subject. I do not understand that the Senator from New Mexico contended that the vessel could be pursued into the waters of another country or another State. I think his idea was that the vessel could be pursued and captured, if possible, upon the high seas, but beyond that I do not think he meant to go.

Mr. CUMMINS. I may have misunderstood him. I have not read his speech since it was published, but I understood him to say that it would enable us to go into the interior of a foreign country and take the arms and munitions from the person to whom they had been delivered and return them to the United States; but I may be wrong about that.

Mr. OVERMAN. I offer some amendments which do not change the substance at all, but merely the punctuation.

The PRESIDING OFFICER. The Secretary will state the amendments.

The SECRETARY. On page 4, line 9, insert a comma after the word "to" and before the word "communicate"; on page 7, line 8, strike out the comma after the word "chapter"; on page 10, line 1, abbreviate "Section" to "Sec."; on page 18, line 7, insert a comma after the word "in"; and on page 38, line 1, insert the article "a" before the word "description."

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

RIGHT OF WAY FOR DRAINAGE OPERATIONS.

Mr. FLETCHER. May I ask the Senator from North Carolina to yield to me for a moment to get consent to call up a bill which is of pressing and great importance not only to the people in my State, but elsewhere? It proposes to give people interested in drainage operations the same right of way across Government lands that those engaged in irrigation operations have. It just adds the word "drainage" after "irrigation" in the irrigation act. The bill was up the last time we considered the calendar, but on account of a mistake in the report it went over. I had it recommitted at once, and since then it has been reported by the committee and is again on the calendar. Those who found some criticism with the form of the bill before I think are entirely satisfied with it now. I know the Senator from Washington [Mr. POINDEXTER] objected to it.

The PRESIDING OFFICER. The bill will be stated by title.

The SECRETARY. A bill (S. 7710) to amend the irrigation act of March 3, 1891 (26 Stat., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stat., 404).

Mr. FLETCHER. It will not take two minutes to pass the bill. I do not think anyone will object to it.

The PRESIDING OFFICER. Is there objection?

Mr. CATRON. I object.

Mr. FLETCHER. Who makes the objection, may I ask?

Mr. CATRON. I object.

ORDER FOR RECESS.

Mr. OVERMAN. I move that at the close of the session today the Senate shall take a recess until 11 o'clock to-morrow.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. BANKHEAD. I wish to have a short executive session that some nominations may be referred and that others may be placed on the calendar.

Mr. NORRIS. I hope the Senator will not make that motion. I dislike to make the point of no quorum, but I object to an executive session to-night.

Mr. BANKHEAD. I simply want to have some nominations referred and others that are ready to be put on the calendar placed there. I do not want any action taken on them at all. It will take only about two minutes.

Mr. NORRIS. It is just to allow reports of nominations to be made and placed on the calendar?

Mr. BANKHEAD. And references made. That is all.

Mr. NORRIS. I have no objection to that.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m., Saturday, February 17, 1917) the Senate took a recess until to-morrow, Sunday, February 18, 1917, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 17 (legislative day of February 14), 1917.

JUDGES OF CIRCUIT COURTS.

Samuel B. Kemp, of Honolulu, Hawaii, to be second judge of the circuit court of the first circuit of the Territory of Hawaii, vice William L. Whitney, resigned.

William H. Heen, of Honolulu, Hawaii, to be third judge of the circuit court of the first circuit of the Territory of Hawaii, vice James L. Coke, appointed associate justice of the Supreme Court of Hawaii.

COAST GUARD.

Third Lieut. of Engineers Gustavus Richard O'Connor to be second lieutenant of Engineers in the Coast Guard of the United States, to rank as such from August 13, 1916, in place of Second Lieut. of Engineers John T. Carr, promoted.

PROMOTIONS IN THE ARMY.

CHAPLAIN.

Chaplain John T. Axton, Twentieth Infantry, to be chaplain with rank of major from March 5, 1917, vice Chaplain James W. Hillman, Sixteenth Infantry, to be retired by operation of law March 4, 1917.

PROVISIONAL APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. Frederic Charles Dosé, Seventh Field Artillery, to be second lieutenant of Infantry with rank of November 30, 1916.

Second Lieut. Edward Martin Smith, Seventh Infantry, to be second lieutenant of Field Artillery with rank from November 30, 1916.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander Jehu V. Chase to be captain in the Navy from the 29th day of August, 1916.

Lieut. Commander Henry E. Lackey to be a commander in the Navy from the 29th day of August, 1916.

Lieut. Reuben B. Coffey to be a lieutenant commander in the Navy from the 29th day of August, 1916.

Naval Constructor William G. Du Bose, with the rank of lieutenant commander, to be a naval constructor in the Navy with the rank of commander from the 29th day of August, 1916.

Douglas B. Parker, a citizen of New York, to be an assistant dental surgeon in the Dental Reserve Corps of the Navy from the 30th day of January, 1917.

The following-named first lieutenants to be captains in the Marine Corps from the 29th day of August, 1916:

Julian C. Smith,
Paul C. Marmion, and
Lowry B. Stephenson.

The following-named citizens to be second lieutenants in the Marine Corps, for a probationary period of two years, from the 6th day of February, 1917:

Maurice G. Holmes, a citizen of Mississippi,
Charles C. Gill, a citizen of Tennessee,
James E. Betts, a citizen of Iowa,
Norman S. Hinman, a citizen of Ohio,
George F. Adams, a citizen of Virginia,
John H. McCabey, a citizen of Pennsylvania,
Wethered Woodworth, a citizen of California,
James W. Webb, a citizen of Alabama,
John M. Tildsley, a citizen of Mississippi,
Le Roy P. Hunt, a citizen of California,
Louis E. Woods, a citizen of New York,
Edward R. Rhodes, a citizen of Massachusetts,

Harry K. Cochran, a citizen of Missouri,
Donald R. Fox, a citizen of New York,
William McN. Marshall, a citizen of Colorado,
George H. Scott, a citizen of South Dakota,
Alexander Galt, a citizen of Virginia,
Paul R. Cowley, a citizen of Massachusetts,
Allen W. Harrington, jr., a citizen of Massachusetts,
Bailey M. Coffenberg, a citizen of New York,
Eugene F. C. Collier, a citizen of the District of Columbia,
Evans O. Ames, a citizen of California,
Stanley M. Mucklestone, a citizen of Wisconsin,
William H. Davis, a citizen of Idaho,
Richard N. Platt, a citizen of New Jersey,
William E. Williams, a citizen of the District of Columbia,
William W. Scott, jr., a citizen of West Virginia, and
Franklin A. Hart, a citizen of Alabama.

POSTMASTERS.

CALIFORNIA.

Ida M. Fink to be postmaster at Crows Landing, Cal. Office became presidential October 1, 1916.

John W. Foley to be postmaster at Amador City, Cal. Office became presidential October 1, 1916.

S. R. Jumper to be postmaster at Balboa, Cal. Office became presidential January 1, 1917.

Annie M. Lepley to be postmaster at Plymouth, Cal. Office became presidential October 1, 1916.

FLORIDA.

Edward B. Langford to be postmaster at Zolfo, Fla. Office became presidential January 1, 1917.

INDIANA.

James H. Spilman to be postmaster at Milroy, Ind., in place of James R. Sage, resigned.

ILLINOIS.

Anna Byron to be postmaster at Bourbonnais, Ill. Office became presidential January 1, 1917.

IOWA.

Arthur E. Bassett to be postmaster at Little Sioux, Iowa. Office became presidential October 1, 1916.

Oscar O. Conwell to be postmaster at Lovilia, Iowa. Office became presidential October 1, 1916.

William H. Fowler to be postmaster at Paton, Iowa. Office became presidential October 1, 1916.

C. Ola Goode to be postmaster at Melcher, Iowa. Office became presidential October 1, 1916.

John Grant to be postmaster at Stanwood, Iowa. Office became presidential October 1, 1916.

H. P. Juhl to be postmaster at Thompson, Iowa, in place of Manford C. Evans, resigned.

Jeter H. Jurgensen to be postmaster at Lowden, Iowa. Office became presidential October 1, 1916.

Josephine McMahon to be postmaster at Melbourne, Iowa. Office became presidential October 1, 1916.

H. D. Mussman to be postmaster at Germania, Iowa. Office became presidential October 1, 1916.

Emil M. Peters to be postmaster at Schleswig, Iowa. Office became presidential October 1, 1916.

Mayme L. Petersen to be postmaster at Titonka, Iowa. Office became presidential October 1, 1916.

KANSAS.

Beatrice Hoffman to be postmaster at Harper, Kans., in place of A. B. Hoffman, deceased.

MAINE.

Edward C. Watson to be postmaster at Naples, Me. Office became presidential January 1, 1917.

MASSACHUSETTS.

James H. Madigan to be postmaster at Harvard, Mass. Office became presidential October 1, 1916.

Charlotte L. Parker to be postmaster at Osterville, Mass., in place of Charlotte L. Parker. Incumbent's commission expired July 18, 1916.

Willard H. Rowell to be postmaster at Wrentham, Mass., in place of Hiram A. Cowell, resigned.

Joseph H. Whelan to be postmaster at South Lancaster, Mass., in place of F. A. Hanaford. Incumbent's commission expired July 18, 1916.

MICHIGAN.

Sara E. C. Irish to be postmaster at Bay View, Mich. Office became presidential October 1, 1916.

Frank A. Miller to be postmaster at Gladstone, Mich., in place of Otto L. Mertz, removed.

MINNESOTA.

James H. Tofflemire to be postmaster at Jeffers, Minn. Office became presidential October 1, 1916.

MISSISSIPPI.

Woodard M. Herring to be postmaster at Inverness, Miss. Office became presidential October 1, 1916.

J. R. Moreland to be postmaster at Philipp, Miss. Office became presidential October 1, 1916.

Nora B. Rose to be postmaster at Shelby, Miss., in place of Rosa Mayers, resigned.

William J. Stephens to be postmaster at Webb, Miss. Office became presidential October 1, 1916.

MISSOURI.

Robert J. Ball to be postmaster at Gallatin, Mo., in place of Robert J. Ball. Incumbent's commission expires May 1, 1917.

Frank D. Lair to be postmaster at Charleston, Mo., in place of Eugene H. Smith, resigned.

NEBRASKA.

Laura E. Smith to be postmaster at Doniphan, Nebr. Office became presidential October 1, 1916.

NEW HAMPSHIRE.

Arthur H. Rollins to be postmaster at Andover, N. H. Office became presidential October 1, 1916.

NEW YORK.

George B. Burdick to be postmaster at De Ruyter, N. Y., in place of Charles P. Monro, resigned.

Thomas G. Patten to be postmaster at New York, N. Y., in place of Edward M. Morgan. Incumbent's commission expired December 14, 1915.

Eva K. Stuppelbeen to be postmaster at Nassau, N. Y., in place of Eva S. Kirby, name changed by marriage.

Herbert C. Wood to be postmaster at Morrisville, N. Y., in place of Irving D. Blowers, resigned.

NORTH CAROLINA.

H. Roy Martin to be postmaster at Mayodan, N. C. Office became presidential October 1, 1916.

NORTH DAKOTA.

R. E. Itskin to be postmaster at Hazen, N. Dak. Office became presidential October 1, 1916.

OHIO.

Lena L. Reed to be postmaster at Amanda, Ohio. Office became presidential October 1, 1916.

George M. Towle to be postmaster at Sardis, Ohio. Office became presidential October 1, 1916.

OKLAHOMA.

Samuel L. Arnold to be postmaster at Devol, Okla. Office became presidential January 1, 1917.

Edwin R. Harrison to be postmaster at Byars, Okla. Office became presidential October 1, 1916.

C. B. McCallon to be postmaster at Kiefer, Okla., in place of O. P. Ramsey, resigned.

David M. Watson to be postmaster at Francis, Okla. Office became presidential October 1, 1916.

PENNSYLVANIA.

C. E. Chapel to be postmaster at Youngsville, Pa., in place of Ephraim A. Swanson, deceased.

John L. Goss to be postmaster at Expedit, Pa., in place of Thomas F. Curry, resigned.

J. W. Keffer to be postmaster at Starjunction, Pa., in place of Isaac Lowe, resigned.

Ella I. Price to be postmaster at Canadensis, Pa. Office became presidential January 1, 1917.

W. A. Walker to be postmaster at Warren, Pa., in place of Edwin R. Allen. Incumbent's commission expired August 20, 1916.

TENNESSEE.

J. B. Moore to be postmaster at Smithville, Tenn., in place of Clarence W. Moore, resigned.

Joe D. Sperry to be postmaster at Mount Juliet, Tenn. Office became presidential October 1, 1916.

WISCONSIN.

Frank H. Grimm to be postmaster at Cassville, Wis., in place of Aloys Grimm, resigned.

Malcolm McNaughton to be postmaster at New Auburn, Wis. Office became presidential October 1, 1916.

Richard S. Serrurier to be postmaster at Wilton, Wis. Office became presidential October 1, 1916.

Oscar M. Waterbury to be postmaster at Williams Bay, Wis. Office became presidential October 1, 1916.

VIRGINIA.

William D. Davies to be postmaster at Manassas, Va., in place of A. W. Sinclair, deceased.

Harry A. Lamb to be postmaster at Ocean View, Va. Office became presidential October 1, 1916.

WITHDRAWAL.

Executive nomination withdrawn February 17 (legislative day of February 14), 1917.

Mary L. Sage to be postmaster at Milroy, Ind.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 17, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth, before whom millions prostrate themselves day unto day and night unto night! Teach us wisdom, justice, mercy, truth, righteousness; that our worship may be free from cant and hypocrisy; that it may be acceptable unto Thee and inspiring to us; that we may meet all the conditions of life without fear and go forth to the work Thou hast given us to do willingly, patiently, conscientiously, leaving the results to Thee; for Thine is the kingdom and the power and the glory. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, had requested a conference with the House on the bill and amendments, and had appointed Mr. BANKHEAD, Mr. SMITH of South Carolina, and Mr. TOWNSEND as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 12463. An act for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 6850. An act authorizing the transfer of certain retired Army officers to the active list; and

S. 7872. An act to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes.

The message also announced that the Vice President had appointed Mr. MARTINE of New Jersey and Mr. JONES members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8113. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 8120. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 6690. An act for the relief of Americus A. Gordon; to the Committee on Military Affairs.

S. 3771. An act for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Mrs. Susan R. Saline, Oscar Mann, Celia Thayne, William E. Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, Sophia Huff, Peter H. McBride, and David Edward Adams; to the Committee on Claims.

POST OFFICE APPROPRIATION BILL.

Mr. MOON, Mr. MOORE of Pennsylvania, and Mr. LEWIS rose.

The SPEAKER. The gentleman from Tennessee.

Mr. MOON. Mr. Speaker, I ask that the Post Office appropriation bill (H. R. 19410) be printed with the Senate amendments numbered. If there is no objection, I will be glad if the House would send this bill to conference and disagree to the amendments of the Senate.

The SPEAKER. How many requests is the gentleman making at once?

Mr. MOON. Two or three of them, but I will divide them. [Laughter.] The first is that the bill be printed with the Senate amendments numbered.

Mr. MANN. Reserving the right to object, Mr. Speaker, I believe that will be done without request under the practice.

Mr. MOON. That is true, but it is not always done.

The SPEAKER. That will be done.

Mr. MANN. I was going to say that I did not think it was desirable—

Mr. MOON. And then I ask that the Senate amendments be disagreed to and that the conferees be appointed.

Mr. MANN. I do not think it is desirable, Mr. Speaker, to take action on the Senate amendments until we have had them printed, and certainly not before Tuesday in any event.

The SPEAKER. The gentleman from Illinois objects.

Mr. MOON. Does the gentleman want a time fixed?

Mr. MANN. I do not think it is possible to take action on these amendments before they are printed, and I do not think it is possible to take action before Tuesday.

Mr. MOON. I have no objection to that, Mr. Speaker. Let the matter go over until Tuesday. I thought it might be disposed of this morning, but if there is objection to it, let it go over until Tuesday. I just ask that the bill be held on the Speaker's table. We can take it up later.

LEAVE TO ADDRESS HOUSE.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent to address the House for one hour on the general subject of this bill.

The SPEAKER. On the general subject of what?

Mr. LEWIS. On the general subject of the military bill.

The SPEAKER. The gentleman from Maryland asks unanimous consent, before the House goes into committee, to address the House for one hour on the Army bill. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I desire to offer a resolution and ask unanimous consent for its present consideration. It will not take very long to determine whether unanimous consent will be given.

The SPEAKER. It will not take half a minute to dispose of this other matter, either.

Mr. MOORE of Pennsylvania. Pending that request, I ask unanimous consent to have considered a resolution which I would like to have read at the Clerk's desk.

The SPEAKER. Is the gentleman from Pennsylvania objecting to the request of the gentleman from Maryland?

Mr. MOORE of Pennsylvania. No; I do not object, but I make this request. It can be quickly determined. I do not want to take the gentleman from Maryland [Mr. Lewis] off his feet. This matter can be determined in a few minutes. I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the immediate consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Whereas the CONGRESSIONAL RECORD of February 9, 1917, pages 3220-3221, contained a statement by the Hon. OSCAR CALLAWAY, Member of Congress from Texas, charging that "the J. P. Morgan interests" and others had engaged certain persons "to purchase the policy, national and international" of certain newspapers in the matter "of preparedness arguments and misrepresentations as to the present condition of the United States Army and Navy, and the possibility and probability of the United States being attacked by foreign foes," and for "the suppression of everything in opposition to the wishes of the interests served";

Resolved, That the Speaker of the House of Representatives appoint a select committee of seven Members of the House, with instructions to inquire into the charges made in the printed statement of the said Hon. OSCAR CALLAWAY, Member of Congress from Texas, as inserted by him in the CONGRESSIONAL RECORD of February 9, 1917, pages 3220-3221, respecting an alleged arrangement by "the J. P. Morgan interests" and others to engage certain persons "to purchase the policy, national and international" of certain newspapers in the matter "of preparedness arguments and misrepresentations as to the present condition of the United States Army and Navy, and the possibility and probability of the United States being attacked by foreign foes," and for "the suppression of everything in opposition to the wishes of the interests served," and such other matters as relate to the preparation, transmission, dissemination, or control, by advertisement or otherwise, of false or misleading information concerning the preparedness of the Army and Navy of the United States, or the suppression of truthful information in newspapers, magazines, or other publications, or as to other matters affecting the neutrality of the United States in its relations with foreign countries, or tending to disturb the peace of the United States; and to make effective such inquiry the select committee herein authorized shall have power to enforce the attendance of persons in Washington or elsewhere, to administer oaths to such persons, and to require the production of such books and papers as may be pertinent to the

inquiry; and to pay the expenses of such committee the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of any unexpended balance in the Treasury.

Mr. DENT. Mr. Speaker, reserving the right to object, I have no objection myself to that resolution. I object only to its being called up at the present time. I shall object to its consideration now.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. MOORE of Pennsylvania. I will say to the gentleman that certain responsible newspapers have demanded an investigation of this matter, and it seems important, in the interest of honest journalism in the United States, that the charges made by the gentleman from Texas [Mr. CALLAWAY] should be investigated. Inasmuch as there is but a very brief time between now and adjournment of Congress, it is evident that the resolution should be acted upon immediately.

Mr. ADAIR. Mr. Speaker, will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. ADAIR. Does not the gentleman believe that this House has already wasted enough of the people's money in making investigations of charges that have no foundation whatever?

Mr. MOORE of Pennsylvania. That may be. The House has been very wasteful, I fear, in making other investigations; but this is an important matter, affecting not only the dignity of the House but the welfare of the country, and no committee should be expected to undertake to make an investigation of this kind at its own expense.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SMITH of Michigan. Has the gentleman any inside information to base this upon except newspaper reports?

Mr. MOORE of Pennsylvania. I have the word of the gentleman from Texas [Mr. CALLAWAY] that he can prove the statements made by him in the RECORD. I am not making the charges. I am asking an investigation of the charges made by the gentleman from Texas [Mr. CALLAWAY], who states that he has proof of these charges.

Mr. ADAIR. A few weeks ago we had the assurance of a gentleman by the name of Lawson that he could prove his own charges, and we investigated them, and now the taxpayers will pay the expenses.

Mr. MOORE of Pennsylvania. That investigation developed some things that are of interest to the country and that certain information came from very high sources.

Mr. DENT. Mr. Speaker, I do not disagree with the statements contained in the resolution, but I do not think it ought to displace the consideration of this bill, and I therefore shall have to object to unanimous consent.

Mr. MOORE of Pennsylvania. What is the gentleman's thought—that it should be brought up on Monday?

Mr. DENT. I shall not have anything to do with the control of the calendar on Monday. I understand the debate will go over until Tuesday.

Mr. MOORE of Pennsylvania. Mr. Speaker, in the interest of decent journalism, which asks for an investigation, I make the request. If it is objected to, I can not prevent that.

Mr. DENT. I object, Mr. Speaker.

The SPEAKER. The gentleman from Alabama objects.

CONFEDERATE VETERANS' ASSOCIATION REUNION.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 157, giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the reunion of the Confederate Veterans' Association, to be held in the District of Columbia in the year 1917, and for other purposes incident to said encampment. I do not believe it will take many minutes to consider it.

The SPEAKER. The Speaker lays before the House the joint resolution (S. J. Res. 157).

The joint resolution was read, as follows:

Resolved, etc. That the Commissioners of the District of Columbia are hereby authorized and directed to make such special regulations for the occasion of the reunion of the Confederate Veterans' Association, which will take place in the District of Columbia in the year 1917, as they shall deem advisable for the preservation of public order and the protection of life and property, to be in force one week prior to said encampment, during said encampment, and one week subsequent thereto. Such special regulations shall be published in one or more of the daily newspapers of the District of Columbia, and no penalty prescribed for the violation of such regulations shall be enforced until five days after such publication; and said commissioners are authorized and directed to establish a special schedule of fares applicable to public conveyances in said District during the period aforesaid. Any person violating any of the aforesaid regulations or the aforesaid schedule of fares shall, upon conviction thereof in the police court of the said Dis-

trict, be liable for such offense to a fine not to exceed \$100, and in default of payment of such fine imprisonment in the workhouse or jail of said District for not longer than 60 days. This resolution shall take effect immediately upon its approval, and the sum of \$11,000, or so much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to carry out the provisions of section 1 of this joint resolution, \$1,000 of which shall be available for the construction, maintenance, and operation of public-comfort stations and information booths, under the direction of said commissioners.

Sec. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the entertainment of the Confederate Veterans' Association to stretch suitable conductors, with sufficient supports wherever necessary, for the purpose of effecting the said illumination within the District of Columbia: *Provided*, That the said conductors shall not be used for the conveying of electrical currents more than three days after the close of said reunion, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before 10 days after said reunion: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia: *And provided further*, That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia that the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation.

Sec. 3. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the chairman of the subcommittee in charge of street decorations, or his successor in said office, for the purpose of decorating the streets of the city of Washington, D. C., on the occasion of the reunion of the Confederate Veterans' Association, 1917, such of the United States ensigns, flags (except battle flags), signal numbers, etc., belonging to the Government of the United States as in their judgment may be spared and are not in use by the Government at the time of the reunion. The loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place more than 10 days prior to said reunion and shall be returned by him within 10 days from the close of the reunion.

Sec. 4. That for the protection and return of said ensigns, flags, signal numbers, etc., the said chairman, or his successor in office, shall execute and deliver to the President of the United States, or to such officer as he may designate, a satisfactory bond in the penalty of \$50,000 to secure just payment for any loss or damage to said ensigns, flags, and signal numbers not necessarily incident to the use specified.

Sec. 5. That the Secretary of War is hereby authorized to grant permits to the citizens' executive committee for the entertainment of the Confederate veterans' reunion for the use of any reservation or other public spaces in the city of Washington on the occasion of said reunion which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statutory therein; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands and platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said citizens' executive committee and in accordance with plans and designs to be approved by the Superintendent of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia.

Sec. 6. That the Secretary of War is hereby authorized to loan to the chairman of the medical department of the citizens' executive committee for said reunion, or his successor in said office, for the purpose of caring for the sick, injured, and infirm on the occasion of the said reunion, such hospital tents and camp appliances and other necessities, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the encampment: *Provided*, That the said chairman, or his successor in said office, shall indemnify the War Department for any loss to such hospital tents and appliances as aforesaid not necessarily incident to such use.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. MANN. Mr. Speaker, this being a joint resolution that would require consideration in Committee of the Whole, I suggest to the gentleman that he ask unanimous consent to consider it in the House, not in the House as in Committee of the Whole.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that the joint resolution be considered in the House in lieu of in Committee of the Whole.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the resolution be considered in the House. Is there objection to that?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX INDIANS.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for a further conference on the disagreeing vote of the two Houses on Senate bill 135.

Mr. KEATING. What is the bill?

Mr. STEPHENS of Texas. It is for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863. Members of the House will remember that the matter was before the House a few days ago. There is a division between the House and Senate which seems to be irreconcilable, but I ask for a further conference.

Mr. MANN. We passed the Senate bill with a House amendment. Have not the Senate asked for a conference?

Mr. STEPHENS of Texas. I understand so. The bill is on the Speaker's table.

The SPEAKER. The Senate asks for a conference. Now, the gentleman from Texas asks to take this bill from the Speaker's table and agree to the conference asked by the Senate. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. CARTER of Oklahoma, Mr. HAYDEN, and Mr. NORTON.

ARMY APPROPRIATIONS.

Mr. LEWIS. Mr. Speaker, I renew my request to address the House for one-half hour.

The SPEAKER. The gentleman from Maryland [Mr. LEWIS] asks unanimous consent to address the House for one-half hour on the Army appropriation bill. Is there objection?

Mr. DENT. Mr. Speaker, reserving the right to object, I wish to say to the gentleman from Maryland asking time on the bill that I had already agreed to give away all the time I had at my disposal. Much to the regret, I am sure, of the entire membership the gentleman from Maryland [Mr. LEWIS] will not be a Member of the House after the 4th of March, and under these circumstances I will not object to one-half hour being used by the gentleman, but I shall have to object to any further requests as long as this bill is under consideration.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Maryland [Mr. LEWIS] is recognized for 30 minutes.

Mr. LEWIS. Mr. Speaker, we are now launched into militarism. It is not our fault. The world's events are responsible. A generation ago our military expenditures were small. To-day, when this measure, with its sister measure, the Navy bill, shall have passed, this Government will be on a more expensive military footing than perhaps any Government before the war. And yet in modern times war, apart from its inhumanity, has lost all its logic. Centuries ago it might have promised a gambler's chance of gain to the victor. He could profit if he won. He could make slaves of the conquered population, confiscate their property, and work them unpaid. But this is all past. Human nature does change, you see. He can not enslave the vanquished, and he can only confiscate public property, such as roads, streets, courthouses, schools. But since he has to maintain these when he takes them, there is no advantage even in confiscation. In modern times this has also proven true of colonial conquest. There is not a colony which confers any business advantage on the governing country. We know that of our colonies. Rather, they are a bill of expense, and just a fearful anxiety. England knows this, too. Not one of her citizens has been made a shilling richer by her territorial acquisitions. During the jubilee an English beggar on the streets of London was heard to say:

I own Canada, the Australias, colonies in Africa, and the islands of the far Pacific, and here I am, starving for a crust of bread. I am a citizen of the greatest power of the modern world, and all people should bow to my greatness. But yesterday I asked alms of a negro savage, and he repulsed me with disgust.

Two years of war have cost Great Britain and Germany, Austria and Russia each enough treasure to thrice rebuild their railways—three generations of toll. War—it is a cheat as well as a crime.

ANARCHISM CAUSE OF WAR.

But, you ask, if war is unprofitable, grossly unprofitable, if it is atrocious and inhuman besides, why is it still resorted to? This question brings us to the real and responsible cause of war, to the cause of this war. What was its cause? My answer is that it was international anarchy, the absence of government in the community of nations, primarily in the relations of Austria and Serbia, then its absence generally in the international relations of the neutral and warring nations of the world.

Why is it that Governments themselves organized to preserve public order are themselves the chief offenders against public order? I call your attention now to something thoroughly kindergarten, it is true, but apparently, although kindergarten, essential to be expressed and emphasized in the present situation of our country and the world.

Public peace and order are institutional products in this world. They do not exist as a mere growth of sentiment and noble purpose. They exist, wherever they exist, as the result of a certain kind of institution, and that institution is government. I call the attention of the House—it is hardly necessary—to the fact that in every community where peace and order obtains you have government. The township has peace and order. It has government. The county has peace and order. It has government. The State, as a community, has peace and order. It also has government. And finally, the great interstate community in which we live, the country of Washington, has peace and order, because it, too, has a government to procure it.

But when we come to the international community, where nations meet as individuals meet in the domestic community and have the same complexity of relations, what do you find? You find a state of indescribable disorder at this very moment, but you also find a community without a government. We are citizens in our domestic communities, but in the international community we are simply anarchists. I use that expression not as an epithet but as a term of description, for anarchism means nothing more or less than the absence of government in a public community.

Mr. Speaker, schoolboys will ask the question why it is that every community has a government except the international community alone. And their histories will answer, "Every government has been built by the sword, and because no conqueror's sword was long enough or strong enough to build a world government, government now stops, and the public order with it, at the national boundaries and the ocean's edge."

THE LEAGUE TO ENFORCE PEACE.

Sir, much discussion has taken place recently of measures designed to prevent future wars, and among these is the League to Enforce Peace. The provisions of the plan are:

(a) That the nations agree to submit their justiciable differences to an arbitration tribunal for decision. (Only a portion of the contentions between nations are regarded as "justiciable.")

(b) Other questions, e. g., privileges of immigration, which are nonjusticiable in character, to be submitted to a conciliation tribunal for recommendation.

(c) For one year, awaiting such decision or recommendation, neither party to the controversy shall make war upon the other.

(d) That neither party shall be bound by the decision, but if either nation shall fail to give such preliminary year of truce and commit an act of war, then—

(e) The other nations shall make war upon it.

(f) Existing international law may be amended at conferences of the nations, and be binding if no nation dissents to such amendment.

All of which means that war is proposed to be avoided only by "unanimous consent." The laws can only be enacted by unanimous consent; the decisions of the arbitral tribunal are effective only by consent of the parties to the controversy; the chastigation of the offending nation is to be left to the 41 other nations in the trust that they will unanimously join in executing the punitive program. All of which, I repeat, means that war is to be discontinued only by "unanimous consent."

Mr. SLAYDEN. Is it not true that no arbitration award of international disputes has ever been disregarded, and is not such more to be desired and easier obtained than a scheme of international government?

Mr. LEWIS. With all respect to the gentleman's view of the matter, I fear that when the world's publicists come to analyze the plan, it presents so many novel elements, so many elements of uncertainty that conservative men will instinctively prefer the other alternative, namely, a full-fledged government. They know what government does. They know how government does it. They understand government perfectly. But as to any new-fangled schemes, a league to enforce peace—not a league to enforce law—for example, nobody knows what it may mean; and it probably would not mean as much as the Articles of Confederation which preceded our Constitution.

Mr. SLAYDEN. Will the gentleman permit an interruption and a question?

Mr. LEWIS. Yes, Mr. Speaker, I do.

Mr. SLAYDEN. I am much interested in the gentleman's address, with the greater part of which I am in hearty agreement. I believe that I know his great purpose in advancing this argument. He is inspired by love for his fellow men and sympathy with them in their troubles. He wants to promote international peace, to banish wars and their cruelties from the face of the earth forever more. But why not follow the line of least resistance? Why undertake so impossible a task as a world government, with legislative, judicial, and executive

functions, and its necessary surrender of sovereignty by the individual governments, when experience suggests that universal peace may be secured by a simpler device and one that will involve no such national sacrifice? The gentleman knows that no international arbitral award has ever been disregarded, and we have had them for a hundred years or more. Why not, under these circumstances, try a world court of arbitration and, if you please, a world court for justiciable questions? Enough countries have already, at one time or another, assented to such a plan to encourage us to believe that it can be had without much more delay, and it has established its efficiency in the peaceful adjustment of many international disputes.

Mr. LEWIS. The gentleman is entitled to his opinions about the lines of least resistance. We have no way to decide that point. But about arbitration, let us see. When arbitration works, it works. But voluntary arbitration did not work for the Boer War, the Spanish-American War, the Russo-Japanese War, nor yet the present war. Ex-President Taft is the principal sponsor of this plan, and his present activities for world order make him illustrious, if nothing else had. If the Blaines and the Cleveland, if the Bismarcks and the Gladstones had so done their duty in their generation so it might have been. Now, Mr. Taft proposes to make the submission of controversies compulsory, through a treaty among the nations of the world. His object is my object—the securing of public order in the international community. But his plan, like any mere arbitration plan, is only a rope of sand. It may, indeed, comport with some men's ideas of the "lines of least resistance" in world politics, but its analysis of the nature of the subject matter is so very inadequate as to offer us only a chateau en Espagne.

The international community does not differ from the domestic community in the ingredients or requirements for securing public order; and we all know an arbitration scheme would not suffice for a domestic community. Nations meet in the international community just as individuals meet in the domestic community. They also are liable to have their cross-purposes and misunderstandings just like individuals. So the international community does not differ from the domestic community in the ingredients and requirements producing public order. What are they?

First. Rules of conduct, specific laws, defining the rights and duties of the parties, provided in advance, and which, being clearly understood, thus avoid nearly all potential controversies.

Second. A judiciary to decide disputed cases of law or fact, not responsible for the merits or demerits of the law, and without power to change it to suit particular cases, thus making its application wholly impersonal.

Third. Last and not least, the police power, an officer with no discretion except to enforce the law.

These three elements render the social law like a law of nature, a mechanical or a chemical law, because if it exists in advance the subject, knowing its meaning before he acts, can harmonize his conduct to it; and if it befalls him to have misunderstood, not his possible enemy, but an impartial institution, adjudicates the dispute, while an impartial agency will certainly call upon him for obedience to its decrees.

Mr. SMITH of Michigan. I understood the gentleman to say there would still be instances that could not be settled by this tribunal.

Mr. LEWIS. Yes. I was speaking of the League to Enforce Peace. Only justiciable causes are adjudicable. Nonjusticiable causes—that is, cases for which existing international rules supply no regulation; the gaps in international law, so to speak—would be referred to a conciliation board, with power to give advice only to the contending parties.

Now, my answer to the gentleman from Texas is that all of these elements of formal law have been found preessential to the maintenance of public order in domestic communities. An arbitration tribunal gives none of them. The rules of conduct, worked out in such elaborate detail, for our domestic relations; the court with processes so various as to fit all our individual relations, and compulsory processes, too, and the police power, all acting in complete coordination to achieve the objects of preserving security and public order; none of these, I say, are within the reach of the arbitration method. That the plan proposed is deficient in these respects is seen if it be but applied as a preventive to the existing war. (a) There were no rules of conduct, international law, that an arbitration tribunal could have applied to punish the alleged Serbian conspirators. The extraterritorial crime committed was not therefore a justiciable cause. Well, then, as a last resort, what could the second tribunal of conciliation have done? It could have delayed the matter, it is urged, for a year, giving the passions time to cool. But suppose they did not cool. Few people believe this method would have sufficed. Europe was headed for "der tag" as the inevitable consequence of ambitions formed and purposes con-

ceived, in a community where anarchism gave no nation rights that were indubitable, or duties that were adequately defined. (b) But suppose the tribunal had pronounced a decision or made a recommendation unsatisfactory to one of the parties, or even to both them, what then? Its decision could not be enforced, says the plan. And so we are where we begun, anarchy and still more anarchy.

Mr. Speaker, of course, an arbitration tribunal is not a court, and can not do service for one. Said Prof. Seeley 70 years ago:

We have a problem of federation before us and not merely of constituting a law court. The law court is not only historically found invariably within the State, but it also takes all its character and efficiency from the State. It is a matter of demonstration that a State is implied in a law court, and as a necessary consequence, that an international law court implies an international State. The nations of Europe must therefore constitute themselves into some sort of federation, or the international court can never come into existence. Judges can not constitute themselves, and a judicial assembly is inconceivable without a legislative assembly of some kind executing its sentences.

Real law is the formal product of political government. The legislative, judicial, and executive functions are complementary, the flesh, blood, and bone of effective law. I despair of the plan that offers but one or two of them. We must have the rule of conduct first, to know what we should do; second, the judge to say what should be done, when the facts or law are disputed; and third, the force, for the rare personality that respects neither rule nor judge. Experience with domestic institutions shows that a definite rule of conduct operates to prevent controversy in nearly all cases; that the judge's decision is efficacious alone in the rest, except for an infinitesimal number, where the sheriff's club is required. Why should the experience be different in international affairs, if a precise and obligatory rule of conduct has been provided in advance? If I were compelled to choose from the disjecta membra of government but one of its members instead of all three, I should take the first, namely, the "rule of conduct," as most efficacious. If the "rule of conduct" were present, so that nations could clearly see how to avoid offending, or if still offending, precise rules were at hand by which to identify their offense, something might be expected of the coercive power of a public opinion, shared by all the world. Meanwhile what sound hope can we have for a mere arbitration tribunal, with no rules (or insufficient rules) of conduct, prescribed in advance? Its judgments must be in the nature of ex post facto, or retrospective lawmaking, and thus deter submission of causes or incite recalcitrancy to the disappointing decision. And what confidence could be placed in the operation of an executive force left to 40 different States, each to determine whether it would lend it or not? "Enforced peace" its sponsors call it. In all sincerity, what is that? I understand "enforced law." I will entrust my life and my property to it. But "enforced peace," who would prefer to commit his own life or his own property to such a Robbin Goodfellow, to such a Will of the Wisp as that?

What is this "arbitration" but more executory agreements for the interested diplomats to construe and break, as heretofore? Surely, the world has exhausted its faith in the sufficiency of the promises of diplomats. Says Seeley again:

In order to be really vigorous and effectual such a system absolutely requires a federation of the closer kind; that is, a federation not after the model of the late German Bund, but after the model of the United States, a federation with a complete apparatus of powers—legislative, executive, and judicial—and raised above dependence upon State governments.

AN INTERNATIONAL FEDERATION.

Is it not a government for the international community that we need? Then why waste our opportunity on new and doubtful substitutes when the institutions thoroughly tried out in analogous situations are at hand?

Mr. EMERSON. How would the gentleman have the international legislature constituted?

Mr. LEWIS. I should follow the Constitution of the United States, redrafted as the Constitution of the United Sovereign States. With the elimination of a few hundred words from its clauses and as many words added here and there it would serve to bring them the same orderly progression and security it has given our own sovereign States.

When the American Colonies threw off their adhesion to the British Empire they were 13 sovereign States, with all the extra-territorial relations implied in the international status, including the power to make treaties and to make war. The Federal Constitution, which provides an interstate or international government, was designed to cover these international or interstate relations, which, be it noticed, were much more numerous because of their contiguity than those we encounter among the historical nations of the world. But the inducing causes for the American Union were hardly as great as those calling now for international federation.

The problems then and now to me seem quite identical. There is the program of substituting law for anarchy in interstate intercourse, the protection of State boundaries, and sovereignty in local affairs, the conquering of the fear by the smaller State that the larger one would seize the international government and misuse it, the fear of the larger State that artful combinations of smaller States would strip it of its prestige or graft upon its prosperity. These fears were overcome. By splitting the legislative organization into two sections, the Senate representing the States as sovereigns, the House their people according to numbers, these disparities have been equalized and State apprehensions wholly dissipated. How does this problem differ then and now?

The fear of violation of boundaries or absorption of the powers of the State by the federation were presented. They were met by guaranties—and those guaranties have been effective, we say. How does this problem differ then and now?

Mr. SMITH of Michigan. But if there were questions of sovereignty raised by the individual nations, would it not require as much armament as each nation requires at the present time?

Mr. LEWIS. Well, that problem hardly differed then and now.

The danger and fear of individual State militarism was there. It was met by the Constitution with a provision that no State "shall without the consent of Congress keep troops or ships of war in time of peace * * * or engage in war unless actually invaded," and the State militia should be subject to Federal command. Disarmament established in a line. How does this problem differ then and now? Especially, how does it differ if the federation should acquire by purchase the existing armaments and military implements of the nations to execute its own laws, guaranteeing defensive protection to the respective member States?

Does not experience indicate that the promulgation of the rules of conduct and the obvious guaranties, such as the prohibition of invasion of one State by another and Federal non-interference in internal affairs of the States, would prove the end of international controversies. Practically this is the result that has followed the like guaranties under our Constitution.

Mr. BORLAND. I am very much interested in the parallel the gentleman is drawing between his proposed plan and the Constitution of the United States. The gentleman is aware that the Constitution had to withstand the shock of the argument that the arrangement between the States was simply a league by treaty and was not a consolidation into an indissoluble Nation. That is one question I would like to have the gentleman address himself to.

Mr. LEWIS. Well, with regard to the idea, and the former argument, that our Union was only a league between States: It may have been so designed; it certainly was primarily an international government for 13 independent States, but in a century it has developed such solidarity of spirit and interest as to have evolved from an international into a national form of government, to a substantial extent. There are many national things—indeed, most national things—it can not even now do, and may never do, that still remain with the States. Its primary purpose was to abolish struggle and possible war between our States. Virginia and Maryland had as much to quarrel about as other nations. Most people think it has now permanently succeeded. I quote a pertinent paragraph from Prof. Seeley:

In spite of their one internal war the American Union may be said to have solved the problem of abolishing war, and we may see there the model which Europe should imitate in her international relations. Now, this great triumph of the Union was achieved on the very ground upon which an earlier Confederation had conspicuously failed in the same undertaking; and a comparison of the two federations shows that where the Federal organization was lax, and decisively disentangled from the State organizations, the federation failed; it succeeded when the Federal bond was strengthened.

Now, supposing the federation to embrace all three elements of government, i. e., the legislative, the judicial, and the executive functions, what legislative powers should be granted this international government? I suggest the following as necessary to prevent war:

(a) To guarantee the inviolability of national boundaries and protect them from invasion by any sovereign State.

(b) To punish individuals for extraterritorial offenses against a State or its citizens.

(c) To substitute interstate laws for treaties, secure equal rights upon the seas, and exercise exclusive jurisdiction over treaties.

(d) To purchase existing national armament and military implements, and limit the armed force permissible to any State to its domestic needs of peace and order.

(e) The power of taxation for these ends and the right to maintain an army and navy.

It is submitted that such powers exercised in a governmental way would be effective to prevent war among the States, members of the Union.

To promote the progress of the world and invest the new Government with a continuous life activity, I should add:

(f) Power to make laws concerning all the merely international relations of the States and their citizens.

(g) Extradition and navigation regulations.

(h) Uniform laws on commercial paper, etc.

(i) To coin money, fix weights and measures, establish international posts, patent regulations, and copyrights.

The principal changes necessary in our Federal Constitution to effect these objects are thought to be:

The selection of the two Senators from each State by the authority which now appoints ambassadors.

The selection of the representatives, one for each 10,000,000 of population, by the legislature, no State to have less than two.

The election of President and Vice President according to the original plan provided in our Constitution.

Mr. SMITH of Michigan. The gentleman is making a fine argument, to which most of us can agree. Will the gentleman discuss the manner of enforcing the decrees of this tribunal?

Mr. LEWIS. The way of enforcing judgments and decrees would be just what you know here. You would have a Federal legislature constituted from among the member nations as our legislature is constituted from the States, the Senate representing the sovereigns and the House representing their populations. You would have courts like ours to enforce its enactments. Its laws would bear directly upon the citizens and subjects of the member nations just as ours do on ours. I quote Prof. Seeley:

The special lesson which is taught by the experience of the Americans is that the decrees of the federation must not be handed over for execution to the officials of the separate States, but that the federation must have an independent and separate Executive, through which its authority must be brought to bear directly upon individuals. The individual must be distinctly conscious of his obligation to the federation and of his membership in it; all federations are mockeries that are mere understandings between Governments.

With regard to any nation not joining the union—the federation—we should bear the same relations to it a nation does now.

In addition to our Bill of Rights, of which little need be changed, a guaranty of noninterference with the import and export tariff laws of the States should be added. And there should be a distinct statement that the citizens of the different States should be citizens of the union of sovereign States as well and owe its allegiance to make its laws operate directly upon them. Thus sovereign States would not be the offenders if offenses were committed. The citizens directly concerned would be the offending parties, and be denied the shelter of an intervening State authority. The constitution, treaties, and acts of the congress would be the supreme law, as in the United States.

Mr. BORLAND. Our Constitution provides that each State, members of the Union, shall be guaranteed a republican form of government. In other words, it makes uniformity, homogeneity in the local government of the different States. That is another question to which I would like the gentleman to address himself.

Mr. LEWIS. Answering the gentleman, I should say that that guaranty would be plainly inapplicable and even unnecessary for the purpose of the federation. And with respect to the homogeneity of which the distinguished gentleman speaks: While I think it highly fortunate that we possess it for our domestic purposes, I do not consider that mere homogeneity of political institutions in the member States of the proposed federation is essential, or that its absence would affect an international structure any more than it now does the treaty-making power. The domestic institutions, the domestic life and history of the member States would not concern the federation in any institutional way. International subjects, important as they are, are really few in number.

Let us notice, for comparison's sake, what the task of the international lawmaker would be. Now, the generic subjects of international law are very few. Beginning with "Piracy," of which war is now about the only analogy, we have—

National boundaries, protection of.

Navigation regulations.

Passports.

Fisheries, and so forth.

International posts.

Minatory armament, and so forth.

Neutrality.

Extraterritorial crimes.

Belligerency, capture, and so forth.

Compared with the volume of domestic law, it is easy to see that this field is actually inconsiderable. And yet only a few of even these subjects are such as to require, peremptorily, the exercise of international rather than national government; that is, but a few of them have produced contentions resulting in war. National boundaries, colonization, extraterritorial crimes, captures, and perhaps minatory armament, so far are the subjects for which treaty lawmaking and diplomatic adjudication have proved inadequate.

Mr. KELLEY. Mr. Speaker, will the gentleman yield?

Mr. LEWIS. Yes.

Mr. KELLEY. One of the great difficulties in carrying on the Austro-Hungarian Government is the diversity of language to be found among the peoples of those two nations. What does the gentleman think of a Congress composed of all the nations of the world with a multiplicity of languages?

Mr. LEWIS. It would present difficulties, but mainly difficulties of speech. The present international situation presents impossibilities, regarded from any standpoint of human nature. [Applause.]

But I should not seem to dispose of this difficulty too curtly. It is, in my judgment, a difficulty, but only a provisional difficulty. A number of parliaments have already encountered it, and successfully. Provision can, apparently, be made to overcome it, even should it be necessary to ask that the legislator be acquainted with a language or two besides his own. The Austrian, Chinese, and, I think, the Swiss, Parliaments manage to overcome these lingual difficulties now. A record printed in three or four languages—well, print paper is high, but so is the cost of war, or even preparedness.

INITIATORY CONDITIONS.

How many nations should enter such federation to make it effective? Two minimum alternatives are proposed:

The eight great powers are Austria-Hungary, France, Germany, Great Britain, Italy, Japan, Russia, and the United States.

First, its acceptance by a majority of the sovereign States, if the majority include any six of the above powers.

Second, its acceptance by any two-thirds of the sovereign States of the world.

The number of sovereign States, sending and receiving ambassadors, appears to be forty-three.

Mr. BORLAND. Does not the gentleman think that if a group of the greater powers were to enter into such a federation the moral effect would be to draw the remaining States in when they began to see the benefits which resulted to the domestic and foreign status of the member States, such as the reduction in the burden of armament and of the establishment of fortified frontiers, and the closer commercial, social, and intellectual intercourse, and so forth?

Mr. LEWIS. I think that would be inevitable. It happened here. All the smaller States, it is thought, would welcome an order of things guaranteeing their territorial and domestic integrity, and protecting them from attack on land or sea. Two or three States are now possibly ambitious for territorial aggrandizement, but this appetite is chiefly active during war. I do not think any of the European States would decline a union simply to save a possible chance of successful territorial conquest.

The pride of kings—would that deter some of the great powers? Before the war, perhaps yea. An authority external to their own they might have resented. But fearfully chastened by their present experience, I think it reasonable to hope that any such personal vanity has disappeared.

Mr. BORLAND. I understand the gentleman to say that we could not concern ourselves about the local government of the different States?

Mr. LEWIS. That would be my answer.

Mr. BORLAND. Would there not be a great diversity of their rights or powers over their people and the method of choosing their representatives, and so on, if we did not have some uniform standard of government?

Mr. LEWIS. A uniform standard is proposed for the selection of the legislators and the President. The latter would be selected through electors chosen by the legislators of the member States, as our first Presidents were selected. The legislators would be selected, the Senators by the authority in each nation that now selects ambassadors, and the representatives by the lower house; for illustration, the House of Commons, the Chamber of Deputies, the lower houses would select them. I

think there would not be great popular interest in the proceedings of the institution after it had become fully established. With public order and the inviolability of national boundaries conclusively established, its legislative subject matters would be so few and so remote from the affairs of common life that it would be mostly publicists, travelers, shippers, and so forth, that would commonly concern themselves with its work.

Mr. EMERSON. How would the gentleman get around the fact that nations of different races and religions might combine against other nations of different religions and races?

Mr. LEWIS. The nations being represented in that Congress as our States are represented in this, the relative possibilities can be compared. There does not seem more danger in that direction than there is of some of our States with a special interest controlling this whole body.

Mr. EMERSON. We see it done here every session.

Mr. LEWIS. These little difficulties to which you refer are negligible compared with the calamities of war.

Mr. DECKER. The gentleman stated a while ago that all national governments had been established by the sword.

Mr. LEWIS. For the most part.

Mr. DECKER. And even in our own country is it not a fact that there came a time when the sword had to maintain it? Well, now, does the gentleman think in that connection perhaps an International government might also have to come to the same sword? Has the gentleman thought of that? What suggestion has the gentleman as to that?

Mr. LEWIS. I have thought of that; and while the wisest human being can not peer very far through the abstruse complications of human circumstance into coming time, it has occurred to me that something might arise to endanger such a federation, just as slavery, the vulnus immedicable of our federation, challenged it. Now, with domestic questions like that, and the hundreds of others involved in our social relations, the federation would have, and should exercise, no power of interference whatever. But I can imagine one national condition of a character possibly making it international in its effect. In the generations to come an overcrowded India or China might demand access for its population to the less populated sections of the earth, demands which, being refused by the States concerned on racial or economic grounds, might lead to attempted secession from the union and to war. But the danger, if such it be, would be a danger as actual for the States unfederated, and the problem perhaps less soluble than with an organized international system.

Now, gentlemen of the House, what I have been saying is, of course, but kindergarten to men of your experience. It is a mere truism to say that public order and personal security mean but one thing at last, and that is government—monarchical government, republican government, aristocratic government, or democratic government, what you will, but still government. Humanity in all times and in all circumstances has adopted only this institution to secure peace and order in their domestic communities. I believe the time will come, I believe the time has come, when as Members of this great Parliament we should do all in our power to advance the day of public order for the community of nations. Experience has provided the form and the way.

"Oh, it can not be done; it is only a dream," says the pessimist, who is "afraid to brush down the cobwebs lest the ceiling may fall." But the trouble with your pessimist is, he dreams just as much as any other dreamer, but he always dreams nightmares. It can be done, say the fathers, who did it for us and who speak to all mankind through the institutions of which we are the human elements to-day. They supplied the form. We must supply the faith. It is the one thing necessary now, I submit. Faith, faith, the faith to act. And that, too, the fathers supplied us by their example in this very matter. All departures, any constructive changes, however well sustained by reason and experience, require faith. No effort can be truly great without it. Said the philosopher Turgot, "I never admired Columbus so much for discovering a new world as I did for going out to hunt for it on the faith of an opinion."

Washington had this faith. It is but the faith of the rational man that civilization can go on making progress in the future as it has done in the past. Columbus had it indeed. If it were not for his kind of faith we might not be here to-day. We can see in his example the ethical elements necessary in men's hearts for our situation. In the words of Webster, "I see him standing on the deck of his shattered bark, the shades of night falling on the sea, yet no man sleeping, tossed on the billows of an unknown ocean; yet the stronger billows of alternate hope and despair tossing his own troubled thoughts, extending forward his harassed form, straining westward his anxious and eager eyes, till Heaven at last granted him a moment of rapture and ecstasy

by blessing his vision with a sight of the unknown world." Is there a leadership in the world now equal to this great occasion? If there is, spirit of Washington bid him step forth. [Loud applause.]

APPENDIX.

PROGRAM LEAGUE TO ENFORCE PEACE.

"We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:

"First. All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

"Second. All other questions arising between the signatories, and not settled by negotiation, shall be submitted to a council of conciliation for hearing consideration and recommendation.

"Third. The signatory powers shall jointly use forthwith both their economic and military against any one of their number that goes to war or commits acts of hostility against another of the signatories before any question arising shall be submitted as provided in the foregoing.

"Fourth. Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the judicial tribunal mentioned in article 1."

THE TREATY-MAKING POWER.

The Peace Advocate suggests that several provisions of our Constitution would have to be changed to enable the Senate to ratify a treaty creating an international government with the exclusive power of making treaties, or the powers "to declare war," "raise and support armies," and so forth, now committed to the Senate and Congress. This suggestion overlooks the fundamental distinction between the "law" making and the "treaty" making powers under the Constitution. A law must be in "pursuance" of the Constitution; a treaty is not required to be. The Constitution provides:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

Laws operate only on land over which our Government is an exclusive sovereign, and can thus always so formulate them as to conform to the Constitution. But treaties operate upon other nations, and therefore must conform to the wills of all the signatory powers. For example: Our Constitution guarantees every State a republican form of government. But if a monarchical power were to occupy, say, the State of Maine, and vanquish us in the war, the treaty of peace might have to commit such State to a monarchical form of government through conquest. And no court could nullify such treaty on the ground that it violated the Constitution. This was all within the ken of those who made the Constitution. Therefore while only laws made in "pursuance" of the Constitution are valid, yet "all treaties made, or which shall be made, under the authority of the United States," are valid when properly ratified. Otherwise our first unsuccessful war, involving terms of peace disappointing to some alleged constitutional inhibitions, might find us institutionally impotent to make terms of peace with a superior force. In which event the Government itself would perish, and the whole Constitution with it, in the nature of things, and ex necessitate in case of war, the treaty-making right, or power, can not be subject to any such limitations. It is the right of self-preservation, and must be free footed and free armed.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20783) making appropriations for the Army.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill, with Mr. SAUNDERS in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Army War College: For expenses of the Army War College, being for the purchase of the necessary stationery; typewriters and exchange of same; office, toilet, and desk furniture; textbooks; books of reference; scientific and professional papers and periodicals; printing and binding; maps; police utensils; employment of temporary, technical, or

special services; and for all other absolutely necessary expenses, including \$25 per month additional to regular compensation to chief clerk of division for superintendence of the War College building, \$9,000.

Mr. SIMS. Mr. Chairman, I move to strike out the last word. Yesterday the gentleman from Illinois [Mr. MANN] addressed the House, and among other things he made the following statement, and it appears in the RECORD on page 3855. After referring to the present war in Europe, he said:

Now, we may be drawn into the struggle. If we are, whatever opinion we may have had in reference to the propriety of being drawn into the struggle will be merged in a universal opinion to stand for the country in what it determines to do. [Applause.] I want to call attention to this: Suppose we become engaged in the European war, and finally there are overtures for peace from one side or the other. If we are a party to the war, we have got to sit in at the final councils. We will have to help to determine the terms of peace, and at once, at one sweep, we will have abandoned the traditional and long-continued policy of the United States to remain supreme on the American Continent and to keep out of the complications of the European Continent. [Applause.] And when we engage in endeavoring to determine the boundary lines of the various nations of Europe, the terms upon which peace shall be made, the guarantees which will be exacted in reference to the small powers of Europe, we will have placed ourselves in a position where it becomes our duty to endeavor to regulate what Bulgaria or Greece or Serbia or Holland or Belgium or Russia or the great or small powers, wherever they may be, shall do. And when we undertake to enter a policy which requires us to interfere in European affairs we can no longer ask or insist upon the traditional policy of the United States that European countries shall keep their hands out of American affairs. [Applause.]

The gentleman from Illinois bases his statement as to what may occur upon the condition that we get into the European war, and, I suppose, nobody wants to dispute the consequences that might follow the result of our getting into the European war; but the very language used implies that getting into that controversy between the contending parties we will have to be a party to a final peace conference between those Governments, because in no other way can we be called into the final settlement of the issues between them, even down to the adjustment of the boundary lines of a few little Balkan Governments.

Now, Mr. Chairman, I do not think the gentleman had any idea, or intended to leave the impression, that we could not have an armed conflict with some one of the warring powers, no matter whether it is with an entente ally or with a central power, upon an issue arising simply and solely between that power and ourselves, but that by the very reason of the fact of having done so we would become a necessary party in the final councils as to peace between all the contending powers now in war with one another. In other words, that if we should have a controversy with England, France, Russia, or Germany about an issue exclusively between one of these powers and ourselves that we could not make a separate peace when we adjust that particular difficulty. Such an impression as this going forth to the country causes questions to be asked like those coming to us now by the hundreds in the form of postal cards. I suppose you have all received them. I will just read the first clause of one of these postal cards, which is in parentheses, as follows:

NOTE.—In modifying her war zone note, Germany has offered—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I was so much interrupted I would be glad to have five minutes more.

The CHAIRMAN. Is there objection?

Mr. EMERSON. Mr. Chairman, I reserve the right to object. Does not the gentleman feel that a discussion of this proposition on the floor of this House is more apt to aggravate the situation than anything else?

Mr. SIMS. I am trying to remove an erroneous representation of the subject that has already occurred.

Mr. EMERSON. Every other gentleman tries to remove it—

Mr. SIMS. You are taking up my time. I think it is proper to discuss it.

Mr. EMERSON. I stated yesterday that I should object to any Member discussing this proposition on the floor of this House until the President came to us and asked us to do so. Now, I am not—

Mr. SIMS. I did not hear the statement.

Mr. EMERSON. I am not going to object to the gentleman having five minutes more, but I do want to say, Mr. Chairman, to the Members of this House that those Members that are afflicted with this diarrhea of words on this subject will have to relieve themselves somewhere else than on the floor of this House.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Now, I hope I may have a little order, inasmuch as an ultimatum has been issued.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve the right to object, to observe that the gentleman from Ohio [Mr.

EMERSON] is about to go home, and that his objection will not last after he is married to-morrow.

Mr. HEFLIN. Mr. Chairman, I make the point that the gentleman from Pennsylvania reserved his objection too late.

The CHAIRMAN. The gentleman from Pennsylvania reserved his right to object just at the moment the gentleman from Ohio sat down.

Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. This postal card starts out by saying:

In modifying her war-zone note Germany has offered safe passage for all American passenger ships which keep to a prescribed course and which our Government guarantees free from contraband.

The first question is:

Do you think we should enter this war in order to uphold our legal right to go into the war zone regardless of these conditions?

That is an absolutely unfair question. It is one that is misleading. "To go into this war" is using the same language as the gentleman from Illinois [Mr. MANN] used. That is wholly an assumption. Suppose that we resent and resist the violations of international law whereby the lives and property of American citizens are ruthlessly destroyed by Germany and at the same time England comes along and does identically the same thing in some other way and we resent that also, and we get into an armed conflict with both in undertaking to defend our rights as against both? Then what sort of a fix will we be in sitting down to the final council as pointed out by the gentleman from Illinois? We will be on both sides of it. I do not believe that statement was worthy of the great ability and knowledge of the gentleman from Illinois.

Mr. MOORE of Pennsylvania. Mr. Chairman—

Mr. SIMS. Do not interrupt me now.

The gentleman from Illinois [Mr. MANN] referred to an interesting portion of our history—I was here at the time—when we got into the Spanish-American War, a war of aggression on our part, in which we invaded the soil of a foreign country on account of the treatment by that foreign country of its own citizens under its own flag on its own soil.

In that great war—not great except in the purpose for which it was waged—no referendum, by postal card or otherwise, was submitted to this Congress or demanded of it, and two distinguished gentlemen—I remember it well, because they have both been named in the House debate recently—one the gentleman from Massachusetts, Mr. GARNER, and the other the gentleman from Nebraska, Mr. BRYAN, without compulsion, without this country having been invaded or even threatened with invasion, voluntarily joined the forces of the United States to invade a foreign country, to wage war upon Spain, because Spain did not regulate the conduct of her subjects according to the standards and ideals of the American people; and no referendum was asked, and no reproach has been put upon any man who went into that war for the purposes for which we waged it.

I think we did right as a matter of principle. We should stand for what is right, regardless of the size of the nation that invades our country or disregards our rights, whether on land or on sea. An invasion is usually referred to when a land attack is made, but you can invade our rights at sea as well as on land. These postal cards are so written and the question is so asked as not to get real information, but to get a misleading reply, and I think instead of helping us to keep faith with and uphold our President it is stirring up strife. Suppose the question was this: "Would you use the armed forces of the United States to save the lives and property of American citizens and their rights, guaranteed under the Constitution, against the unlawful encroachments of foreign powers?" They would say "Yes" every time.

We do not want war. The President does not want war. We are not seeking war. We may be forced into it. But we will not have to settle the boundary of Montenegro or any of the small nations of Europe, because we are defending our own rights on sea as well as on land. [Applause.]

Mr. KEATING. Mr. Chairman, I want to oppose the motion of the gentleman from Tennessee [Mr. SIMS] to strike out the last word.

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. KELLEY. Mr. Chairman, may I inquire, first, what the gentleman from Tennessee proposes to do?

Mr. KEATING. He proposed to strike out the last word in the paragraph just read by the Clerk, and I am always opposed to that amendment. [Laughter.]

Mr. Chairman, what is the matter with the American Army? That is a question that is frequently asked in this House and throughout the country in connection with our plans for national defense.

For some reason the American boy will not enlist in any great numbers in the American Army; and if he does enlist, he gets out of the Army as soon as possible.

Now, what is the trouble?

A great many gentlemen have appeared before committees of this House to answer that question.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Michigan?

Mr. KEATING. I regret I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. KEATING. A great many gentlemen have attempted to answer that question. I want to submit to the House this morning the views of a man whose opinions, in my judgment, are entitled to respect. He is not a "mollycoddle." I do not think he is a "milksoop." He is a man who has served perhaps 20 years in the Military Establishment of this country. For his years, I presume, he has seen as much actual service and has been under fire as often as any other man connected with the Military Establishment. The gentleman to whom I refer is Maj. William C. Harlee, of the Marine Corps.

In presenting his testimony before the Senate Committee on Military Affairs, Maj. Harlee described his military service as follows:

I belong to the Marine Corps, the soldier corps of the Navy. I have served in the Volunteer Army as private, corporal, sergeant, and first sergeant during the Philippine insurrection, and as a cadet at the Military Academy at West Point for two years, and for 17 years as an officer of the Marine Corps, appointed from civil life.

Instead of attempting to militarize America and to bring America to the ideals of the present military orthodoxy, why not Americanize our military institution and bring it to the ideals of America?

When you have brought the military system in harmony with things American, you will find a different attitude toward it and no necessity for such drastic measures as compulsory or universal service.

The American people are not pusillanimous; they have not lost their military virtue; they need no system bolstered up by courts, jails, and military constabularies to bring them to a proper preparation for national defense.

Our present military institution violates some of our best American traditions. Purge it of the distasteful things, make it businesslike, adopt in it accepted American methods, and you will find thousands of willing men—more than you can take care of for military training. They are not willing, however, to enter it as it now stands. I interpret it as a protest against our methods and not as any indication that American manhood is on the decline.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Illinois?

Mr. KEATING. Yes.

Mr. MADDEN. Did the major describe what the American military methods are that he proposed to establish?

Mr. KEATING. Oh, yes, indeed. He describes them in detail, and at the request of the members of the Senate Committee on Military Affairs he has even prepared a bill; and with the consent of the House I will insert it in the RECORD, so that Members may read it. It is a soldier's bill, not prepared with the skill of a lawyer, but it states in plain language what a soldier believes is necessary in order to Americanize the American Army.

Mr. MADDEN. If a soldier has the ability to manage the forces of the American Army, he will probably be the general of the Army and not a private.

Mr. KEATING. Why, not at all. The gentleman from Illinois will understand that in order to secure promotion in the American Army at the present time the man above you must either resign or die, and military men do not resign, and they do not die in any great numbers.

Mr. ANTHONY. Will the gentleman permit an interruption there?

Mr. KEATING. Yes.

Mr. ANTHONY. I will say to the gentleman that there are 1,700 vacancies in the American Army to-day.

Mr. HOWARD. Those are caused by the Hay bill. Those vacancies have never been filled.

Mr. KEATING. Of course, I am not going to enter into that. The gentleman knows as well as I do and a great deal better the methods of promotion in the American Army. He knows, as a matter of fact, that it is in the main a case of the other fellow dying or resigning.

Mr. TILSON. Or retiring.

Mr. KEATING. Or retiring.

Mr. TOWNER. Is it not likely that a man who has served, as this man has served, in the ranks, knows something at least of the men who are to go into the ranks?

Mr. KEATING. That is exactly the value of this testimony. Here is a man of education, with experience as a private and as an officer.

Mr. GARDNER. Maj. Harlee served as a private as a volunteer and not in the Regular Army.

Mr. KEATING. That may be true. He served in the volunteer army as a private, and in various other positions. He has been at the Military Academy at West Point. He has served as an officer in the Marine Corps for 17 years. He knows something about the American Military Establishment. He goes on;

Our military institution is not an American development. It remains substantially unchanged since it was imported at the beginning of our Government from England and continental Europe, from countries where there were two classes of men—gentlemen and common men. The officers came from the gentleman class, the enlisted men represented the common caste. The situation fitted such a social structure, but it does not fit America. There is only one class of men here, except in the Military Establishment.

Mr. CALDWELL. Will the gentleman yield for a question?

Mr. KEATING. Yes.

Mr. CALDWELL. Has the gentleman examined into the walks of life from which our present American Army officers rise?

Mr. KEATING. It is not a question of the walk of life from which an officer comes, but it is the state of mind in which he emerges from the Military Academy. I know that boys are appointed to the Military Academy who are the sons of hod carriers and the sons of blacksmiths, but when they come out of the Military Academy they feel that their whole social status has been changed.

Mr. KAHN. Will the gentleman yield?

Mr. KEATING. Certainly.

Mr. KAHN. The gentleman has stated that Maj. Harlee was in the Military Academy. Can the gentleman state why he left there?

Mr. KEATING. I do not know, aside from his testimony; but I take it for granted that a man who is now a major in the Marine Corps of the United States severed his connection with the Military Academy in an honorable manner.

Mr. KAHN. I dare say. He may have been dropped, and he would get an honorable discharge for that.

Mr. KEATING. He may have failed in an examination. He may have resigned. I do not know.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. KEATING. May I have five minutes more, Mr. Chairman, on account of the interruptions?

The CHAIRMAN. The gentleman asks an additional five minutes. Is there objection?

Mr. GARDNER. Reserving the right to object, I should like to have 10 minutes in which to answer. I should like to couple this with the gentleman's request.

Mr. KEATING. I scarcely think, Mr. Chairman, that that is a fair proposition. I do not object to it, but I will suggest this: I have sat in this House and have treated the gentleman from Massachusetts with the courtesy to which I felt he was entitled. I have never objected to one of his requests, and have never coupled one of my requests with a request made by him. I trust the gentleman will withdraw his request.

Mr. DENT. Mr. Chairman, reserving the right to object, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and amendments thereto conclude at the expiration of 15 minutes. Is there objection?

There was no objection.

Mr. CALDWELL. Will the gentleman yield?

Mr. KEATING. I can not yield, because I am really more anxious to present Maj. Harlee's views to this House than I am to present my own.

The CHAIRMAN. The gentleman declines to be interrupted.

Mr. KEATING. Maj. Harlee proceeds:

The law recognizes two separate and distinct classes of men in our military service. They are absolutely separate and distinct. There is a line of cleavage between them. Pride and self-respect are the best elements of military character. Caste crushes them both. Napoleon destroyed caste because it injured the business. The impulse which the French Revolution gave to the French Army has never reached the American Regular Establishment.

There was no caste in the Confederate Army nor the citizen army of the United States in the sixties. Why breed it in barracks armies to serve as a model for citizen soldiery?

OATH OF ENLISTMENT OBNOXIOUS.

The thing above all others which prevents men from entering the military service is the oath of enlistment. It is an oath of bondage. Any other employer who contracted with men on this basis would be guilty of peonage—a felony under the law of the Nation which practices it itself. In my own experience in recruiting I found men unwilling to subscribe to such an oath. It is not fair to men who are unfamiliar with the military service to ask them to enter into any such agreement and it is not necessary. There is an instinct in young men which in-

spires an ambition to be a soldier, and plenty of men are willing and anxious to be of service if it can only be done in an honorable and respectable way—witness the men who went to Plattsburg—but they are not willing to be branded as men of a lower caste or in time of peace to subscribe to an oath of bondage.

DISSATISFIED MEN OF NO VALUE.

Unhappy or dissatisfied men are of no service to a military or any other body, and it is better policy to let them go, and then if everybody should go to inquire into the cause and seek the remedy. I am opposed to universal service or compulsory service or any other kind of service than that rendered by willing men. I am opposed to it, because dumb driven cattle can not be taught or trained. I am too proud to be comrade with Moldy, Shadow, Wart, Feeble, and Bull Calf in a Falstaffian host. Like King Henry rather "proclaim it to the host that he who hath no stomach for the fight, let him depart, for we would not serve in that man's company who fears his fellowship to serve with us." The Persians had universal service. The Greeks did not. It is not the size of your host, but it is the quality of it that adds luster to the arms. Unwilling men burden armies, eat its substance, retard its action, and give it panic. Even if there were enough jails and Federal constabularies to enforce universal service without riots among a people, it would not be good business to do it. The profession of arms ought to be honorable; spare it from contamination by Moldy and Bull Calfs.

There is nothing subtle about military training. It does not require years to train a soldier. The individual instruction is simple. It can be done in weeks, and with the proper machinery developed in less time than any army can cross any ocean. It was done in the volunteer regiments which went to the Philippines in 1899. Nobody there ever discounted the work of our Volunteers. It is done in the Marine Corps all the time. It was done at Plattsburg in a month. To cook, to bivouac, to march, to move from column of march into line of fight, to dig, to shoot, to give first-aid treatment, these are the salient points of a real soldier's instruction. Yet they are not the features practiced in the life of the barracks.

The art of living afield and the art of handling men afield is not learned in the barracks. Compare your mental picture of life and conditions at barracks with your mental picture of life in the trenches, or anywhere in Europe to-day, or life in the armies here in the sixties. Can you see any similarity?

BARRACKS LIFE INJURES MEN.

The barracks life in idleness impairs the usefulness of a man for the soldier or any other business. It atrophies the talents of its officers. It accustoms all to things not pertinent to the real soldier business and trains men in the wrong habits. It untrains men or overtrains them. Few officers can withstand many years of this so-called training and preserve their usefulness. Grant, Sherman, and Jackson had but few years of this training. Lee, J. E. Johnson, and Longstreet were staff officers and had little of the barracks training. Sheridan, Hood, and Stuart were young men who had received but little of it. Forrest, Hampton, and Gordon were citizens and had none of it.

It is a significant thing how many of the effective officers of both armies of our Civil War fall into these four classes: First, officers who had had a few years' service in the Regular Army—and part of that in the War with Mexico—and then went out into civil life; second, those who, while they remained on the pay roll, were staff officers and avoided the influences of this so-called training; third, young men who had been in but a few years when the war began; and, fourth, men who had always been civilians when the war began. And it is significant how few of those who had spent their lives in the garrisons arose to the occasion in real war.

A NEW ACTIVE ARMY EACH YEAR.

My plan for removing the objectionable features and for furnishing a system which will develop habits of organizing real armies and a system of real training is this:

A new army each year. An active army—give it a good name, so it will be proud of its name. Its period of training to be not over six months, perhaps shorter, to accommodate it to the vacation period of colleges. Have no oath of enlistment. Pay its lowest grade respectable pay, but withhold all except a nominal monthly sum until the end of the period. If anyone wants to quit, let him quit, but without compensation. On the other hand, if anyone was not desirable, simply discharge him on the same basis and not resort to jails, etc., to try to reform or make him obedient. One month at barracks' rendezvous for individual instruction, the remainder of the time afield. At the end of the period after marching back to the rendezvous discharge everybody and tie no strings to them.

Equip it with nothing but working clothes, a gun, some ammunition, a bag for carrying rations, suitable cooking utensils, a water bottle, and a blanket.

HOW TO SELECT COMMANDERS.

At the time of discharge reappoint the leaders for the next year. Rearrange the present grades so that the commander of 10 men would be officer in as strict a sense as any other commander and as proud of his job. Appoint him in the same way and give him a respectable salary. The other commanders appointed at the same time, each grade selected by the next higher commander under whom they are to serve, and to be selected from the next lower grade, so that an officer must advance a grade each year or go out. This would send into civil life each year officers experienced in all grades, who would have been through the process necessary when we have to form volunteers into armies. It would furnish rapid advancement to young men of demonstrated capacity. Those who select their own subordinates could be relied upon to select the proper men, because their own chances for future selection would depend upon the work of these men. The only route to the command of this army should be through its ranks. This would dignify service in the ranks.

After the discharge of the army and the selection of the next year's leaders these leaders could be organized in a school and taught special subjects and advanced military work and be given a normal course in teaching for their next year's work, and finally a suitable time before the next year's army was to be assembled could be the force which would recruit this army, and if they fail to recruit their armies under this plan, drop them from the pay roll.

MANEUVERING IN THE FIELD.

After one month's individual instruction the different parts of the Army to move out without any tents and with but few wagons, and spend the remainder of the time afield in bivouac and on the march, assembling with other bodies forming larger bodies and moving toward the Government reservations of land, where field exercises with actual armies, instead of imaginary armies, would operate against each other.

An army thus afield would accumulate field habits instead of barrack habits, would furnish the staff an opportunity to cater to actual armies and discover their habits and needs. Federal hospitals could be established all over the country connected with such a system and also serve as public hospitals.

This army would have no dress uniform, no dances, no garrison life to foster caste. Most of its officers would be without families or dependents, and there would be no problem of taking care of their families. It would breed no permanent military class to live on the Government forever, for even its generals would have passed through its processes and into civil life before they became too old to begin civilian careers. Some could go into the permanent staff. There would be no retired list. Such an army would commend itself to businesslike Americans. It would not be suspected of loafing. It would have no caste, no bondage. It would be thoroughly American. It would furnish a reliable supply of tested leaders and would accustom us to the practice of efficiently using the material which must inevitably be the material for America's wars.

ARMIES DO NOT NEED TENTS.

Training nowadays seems to run to getting into camp with tents. Lee's army had no tents, neither did Napoleon's, and I venture to say that you will find but few tents in Europe to-day—armies which can not live afield without tents are not armies; they are camping parties. Caesar tells us that the Gauls did not sleep under roofs for seven years. An army which intends to move can not encumber itself with tents, and living in tents is not real training for real service.

So little preparation for real service have we had that our field-service regulations anticipate connecting with the wagons for rations every day. Men can carry on their persons a week's supply of a simple ration, and an army whose habits tie it to a wagon train is not the active army I have been picturing to you.

One of the false ideas which develop among peace-time and barrack soldiery is the fetish for regulation equipment. The soldier needs but little equipment, and as soon as he gets afield he quickly divests himself of everything superfluous. He needs a gun, some ammunition, a blanket, something to tote and cook his rations in, and a water bottle. It doesn't make any difference what is the pattern of his bag or his frying pan or even his blanket. The only thing that must be of a standard pattern is that his ammunition must fit his gun. When we get down to real business we will be glad to have him bring his blanket, his bag, and his frying pan from home with him, and we won't quibble over the cut of his uniform. This idea is not strange, if you will picture to yourself the armies of the sixties or the men in Europe to-day.

REAL VERSUS FALSE DISCIPLINE.

The true discipline is not the kind which reduces the man to the level of a horse, teaches him to obey and do what he is told and nothing else and makes within him a fear of his officers and of the law. Such a discipline would not serve you in time of danger.

Real discipline is the discipline which comes from comradeship and community of interest. Active armies are always disciplined. Idle bodies are never so. The joy of labor is the panacea for discipline. Men should be trained to give expression to their thought and to depart from instructions in order to accomplish the purpose. An intelligent cooperation is superior to dumb and unreasoning obedience, and men who are trained to abandon reason are not the kind who possess true discipline.

Do not put your faith in any system of organizing reserves. When a man separates from the military service let him go without any strings upon him. No man can tell what his condition of life will be in the future, whether he can abandon his civilian pursuits or not. Industrial life in America is restless; men move from place to place. It is a different operation to collect men after they have gone different ways and identified themselves in different pursuits.

It is easier to start fresh and accept those who offer themselves and want to be accepted. Such a plan automatically accommodates itself to industrial conditions. Only those men who can disengage from industry will then serve. If you attempt to forcibly disengage men from their places in industrial life, you will have friction.

America needs not a nation in arms, for we have seen what a nation in arms has brought to humanity, but needs a system and working habits by which willing men, the only kind who are not a burden to an establishment, can be made by American methods into an efficient army—a system which will furnish leaders and teachers who know how to lead and teach and who have practiced the art of organizing, leading, and teaching real armies for real service.

MUST GET RID OF "DEADWOOD."

Whatever machinery you build up, whatever monopolies are created for the ground-floor people, we will find that in true need new men will spring up into leadership: brave and willing men will gather around them, as they did in 1861 and 1898, and unless your machinery is simple and direct it will fall and new and vigorous bodies will spring from the wreckage of your machinery and you will eventually accept them and call for more, but you will lose time and let enthusiasm dissipate while the so-called trained experts on the ground floor are telling you that they are no good.

If war should come now the most serious problem would not be that people would be lacking to bear arms, or would not bear them with credit to themselves, but it would be in working off the old deadwood which has risen to the top of the military service by the passage of time, men who are entrenched there by law, but who are unaccustomed to the habits of active armies. The development of new leaders and the casting off of the old were the real problems of the war of the sixties. Why not develop leaders now by each year organizing armies for an active life outdoors?

The profession of arms is my profession. What I have said to you is not said in hostility, but in a desire to point out a plan which will bring the profession into closer friendship with the people of our country.

Mr. Chairman, the following is the bill prepared by Maj. Harlee at the request of the Senate committee:

TITLE.

- Sec. 1. Active Army; authority to raise.
- Sec. 2. Appointment of major generals commanding; duties.
- Sec. 3. Equipment and supplies.
- Sec. 4. Administrative control.
- Sec. 5. Eligibility for service.
- Sec. 6. Composition of active Army.
- Sec. 7. Subsistence.
- Sec. 8. Appointment and promotion of officers.
- Sec. 9. Requirements for enrollment.

- Sec. 10. Issue of clothing, equipment, and arms.
 Sec. 11. Not persons subject to military laws.
 Sec. 12. Preference with respect to civil service.
 Sec. 13. Pay and allowances of officers and men.
 Sec. 14. No military courts authorized; discharge for misconduct or unsatisfactory service.
 Sec. 15. Pension status.
 Sec. 16. The recruitment and instruction of the active Army.
 Sec. 17. Field training.
 Sec. 18. Discharge of Army; disposition of property.
 Sec. 19. Records and returns.
 Sec. 20. Money appropriated; administration of its expenditure.

An act for making further provision for the national defense by providing for the organization and discharge each calendar year of an active army and for the maintenance of a system of military training designed to develop efficient methods of training and the habit of organizing, equipping, training, and leading citizen soldiery.

Be it enacted, etc., That, in addition to the forces now authorized by law to constitute the Army of the United States, the President is authorized to raise, organize, equip, train, and maintain a citizen army not to exceed 100,000 men, to be known as the active Army of the United States to be reorganized annually and trained and maintained as hereinafter described.

Sec. 2. That for this purpose he may from time to time divide the United States into such number of divisional districts as he may prescribe, and for each division may appoint by and with the advice and consent of the Senate any person selected by him as a major general commanding, who shall be charged with the duty of organizing, equipping, training, and supplying the division organized in the district assigned to him, and who for these purposes shall have full authority to direct the expenditure and disbursement of the funds allotted for the equipment, maintenance, and supply of the division under his command.

Sec. 3. That the various bureaus of the War Department are authorized to furnish, at actual cost, to be reimbursed by transfer of funds from the moneys available for the active army, any articles required by the division commanders of the active army or their authorized agents. The division commanders of the active army, or their authorized agents under their direction, are authorized to procure services or purchase in the open markets any or all the articles necessary for the equipment, supply, and maintenance of the division under their commands, and competition may be dispensed with in cases authorized or approved by the authority of the division commanders. In equipping or supplying their divisions, division commanders are not restricted to the precise pattern or standard of articles supplied or prescribed by the bureau of the War Department, but in order to expeditiously put their troops afield may accommodate the available articles of trade to the equipment and supply of troops.

Sec. 4. That the administration of the active army shall be vested in the Secretary of War and under his direction, the major generals commanding shall each have administrative control and command within their respective divisions, and the bureau and departments of the War Department, under the direction of the Secretary of War, shall serve and not control the affairs, personnel, and property of the active army.

Sec. 5. That all officers and men enrolled under the provisions of this act shall be taken from citizens of the United States or those who have declared their intention to become citizens, and shall be over 18 years of age: *Provided*, That no person shall be enrolled below the grade of captain who is over the age of 35 years, in the grade of captain who is over the age of 45, or above the grade of captain who is over the age of 64.

Sec. 6. That each division of the active army shall consist of such staff and such number of units of infantry and other troops as the President may prescribe, and that such medical and other personnel and organizations of Cavalry, Field Artillery, Engineers, and auxiliary troops as the President may deem proper may be detached from the Regular Army or other parts of the Army of the United States, including the National Guard in the service of the United States, or the Marine Corps, and assigned to the active army: *Provided*, That the pay, allowances, equipment, supply, and other costs of maintenance, except for subsistence of officers or troops so detached and assigned, will be paid from the appropriations available to the services to which they belong.

Sec. 7. That the cost of subsistence of all troops detached for service with the active army will be paid from funds available to the active army, and when serving afield or present with troops which are furnished subsistence, all officers serving with the active army may be furnished rations in kind: *Provided*, That division commanders are authorized to prescribe from time to time the ration to be issued to officers and troops.

Sec. 8. That the term "officer" as used in this act includes those in and above the grade of corporal in the active army.

The appointment of officers of the active army designated before January 1 of the year for which appointed shall take effect on January 1 of the year for which appointed, or as soon thereafter as practicable, and will expire on December 31 following unless sooner discharged or unless continued in effect by the President.

Officers of the Army or Marine Corps appointed as officers in the active army will not vacate their commissions or prejudice their seniority in their respective services.

For the first annual active army the officers will be appointed as hereinafter prescribed, except without reference to previous service.

The relative rank of officers of the same grade in the active army in each division or regiment will be determined by the date of commission or appointment, and those of the same date of commission or appointment will be determined by the order fixed by the appointing authority.

For the organization of a division, its officers, except as herein provided, will be selected from those who have served previously in the active or Regular Army, National Guard, or Marine Corps in the same grade for which selected, or as follows:

- (a) Officers below the grade of second lieutenant from privates or officers of or above the grade of corporal.
- (b) First lieutenants and second lieutenants from officers of or above the grade of corporal.
- (c) Captains from first lieutenants or second lieutenants.
- (d) Majors from captains.
- (e) Lieutenant colonels from majors.
- (f) Colonels from majors or lieutenant colonels.
- (g) Brigadier generals from colonels.

Vacancies occurring during the year will be filled by promotions in the same company for the grades below the grade of captain. In the same regiment for grades from captain to colonel, and in the same division for the grades above colonel by selections made from the grades herein prescribed and in the same manner as original appointments are made.

The officers selected by the President as major generals commanding to organize and command divisions are authorized to submit to the President the names of officers recommended by them for appointments as brigadier generals or colonels in their respective divisions. Brigadier generals will be appointed by the President by and with the advice and consent of the Senate. Congress hereby vests with the President alone the appointment of officers inferior to the grade of brigadier general and authorizes the President to vest the appointment of officers below the grade of colonel as follows:

Officers of the grade of lieutenant colonel, major, captain, and staff officers of all grades not included in the regimental organization by the major general commanding, and officers of all grades below captain by the colonels appointed to command regiments.

The following recommendations will be submitted by those designated for appointment or appointed in and for a division of each annual active army. Each brigadier general will submit to his major general commanding the names of those recommended for appointment as colonels and lieutenant colonels in his brigade. Each colonel will submit to his brigadier general the names of those recommended for appointment as lieutenant colonels, majors, and captains in his regiment. Each major will submit to his colonel the names of those recommended for appointment as captains and lieutenants in his battalion, and each captain will submit to his major the names of those recommended for appointment in all grades of officers in his company. All these recommendations will be forwarded with remarks to the appointing officer for his information, but the appointing officer is not restricted to those so recommended.

Sec. 9. That in time of peace no oath of enlistment will be required of those who enroll and serve in the active army, except an oath not to quit the service of the United States after war has been declared by Congress or when in the opinion of the President war or invasion is imminent, and then until discharged by proper authority, and when war is declared or war or invasion is imminent, to consider as binding the oath of enlistment set forth in article 109 of the Articles of War.

An agreement to accept from the United States such pay as is or may be established by law and such rations as may be furnished and to receive such articles of clothing, equipment, and arms as may be issued, and to have the cost of same deducted from the pay, and to forfeit all retained or undrawn pay in the event of quitting the service before being regularly discharged or of being discharged for misconduct or unsatisfactory service will be required of all officers and men alike who are enrolled in the active army.

Sec. 10. That clothing, equipment, and arms issued and paid for by officers and men who are regularly discharged will then become their personal property, but until they are honorably discharged the ownership of such property remains with the United States.

Sec. 11. That those enrolled and serving in the active army, unless otherwise subject to military law, are, except as prescribed in this section, not persons subject to military law and the Articles of War.

Sec. 12. That persons in the active army or honorably discharged therefrom shall receive the same preference with respect to appointments in the civil service and retention therein as is provided by existing law with respect to persons who have been honorably discharged from the military or naval service.

Sec. 13. That in the active army the monthly pay of the various grades shall be as follows:

Privates and men of other ratings below the grade of corporals, \$30.
 Corporals and officers of other grades below the grade of sergeant, \$60.
 Sergeants and officers of other grades below the grade of second lieutenants, \$90.

Second lieutenants, \$120.

First lieutenants, \$150: *Provided*, That 80 per cent of the pay of all men below the grade of corporal and 50 per cent of the pay of all officers below the grade of captain shall be withheld until regularly discharged from the service, except that in time of war or when invasion or war is imminent the withheld portion may be paid monthly to designated beneficiaries for their support.

Officers of all grades above the grade of first lieutenant shall receive the base pay as is now or may hereafter be provided for like grades of the Regular Army, and in addition thereto, when serving afield or present with troops which are furnished subsistence, may be furnished with rations in kind: *Provided*, That the cost of clothing, equipment, and arms issued to men and officers below the grade of captain shall be charged against the withheld portion of their pay.

For service requiring officers or men to be mounted, additional pay of \$10 per month will be paid to officers and men who furnish their own mounts. Forage for such mounts will be provided by the United States. Horse equipment will be issued in the same manner as is provided for clothing, arms, and other equipment.

Officers of the active army when not serving afield or present with troops furnished with subsistence are not furnished subsistence, and officers must provide their own quarters when Government quarters are not available.

When performing travel under orders, officers and men will be furnished with transportation or reimbursed for transportation, including authorized sleeping-car accommodations. Officers and men will be allowed \$1.50 per day for meals while traveling or when employed in recruiting. Recruits enrolled and other men below the grade of corporal may be furnished with quarters and meals at a cost not exceeding \$1 per day when not at a place where subsistence in kind is furnished. Orders involving travel and expenses for subsistence and quarters connected with the recruiting service may be issued at any time during the year by regimental commanders within the limits of the expenditure of sums allotted for the purpose by the major general commanding.

Sec. 14. That in time of peace or when war or invasion is not imminent no military courts for the active army are established and no officers or men will be imprisoned or confined as a punishment by military authorities, but all officers of the active army are authorized to arrest and deliver to the civil authorities offenders against the law of the land who belong to the active army in grades inferior to their own.

Officers and men of the active army may be discharged from the service for misconduct or for unsatisfactory service, and those below the grade of captain shall forfeit to the United States the retained portion of pay which would otherwise be due them after satisfactorily completing their service.

Men and officers below the grade of captain may be so discharged by the regimental commander upon the recommendation of the company commander, approved by the battalion commander. Officers of the grades of captain, major, and lieutenant colonel may be discharged by order of the major general commanding, upon the recommendation of the regimental commander, approved by the brigade commander. Staff officers and men may be discharged by the major general commanding. Colonels may be discharged by the President. Brigadier generals and

major generals commanding may be relieved from command by the President, and if in their places other officers are appointed by the President and confirmed by the Senate their appointments will expire.

Sec. 15. That men and officers of the active army come within the pensionable status only when they become subject to military laws and the Articles of War in the time of war or when war or invasion is imminent. At other times their status is the same as any other civil employee of the Government, provided that officers or men of the Army, including National Guard and other parts of the Military Establishment, or Marine Corps serving in or detached for service with the active army do not thereby forfeit the benefits of such status or the benefit of continuous service or any other benefit which would have accrued to them had they remained in their previous service. Officers or men of the Army and Marine Corps serving in the active army do not cease to be persons subject to military law and to the Articles of War. In time of war or when war or invasion is imminent the status of the active army is the same as the Regular Army in respect to the Articles of War. In respect to all benefits so far as the laws and regulations are applicable to officers or men whose permanent retention in the military service is not contemplated by existing laws, and in other respects not herein provided for. No distinction will then be made between the active army and the Regular Army in legal processes.

Sec. 16. That for active armies for training, the months of January, February, and March are designated, as the officers' school period. The month of April as the recruiting period. The months of May and June as the instruction period. The months of July, August, and September as the field period. The months of October, November, and December as the finishing period.

The officers of the active army for training will assemble at their own expense for transportation by railroads at such rendezvous as are designated by the respective major generals commanding on January 1, or by permission of the regimental commander at a following date not later than January 10, and there execute before the regimental commander present the required oath and agreement designated. Those who do not appear at the designated time and place will be considered to have vacated their appointments and their places may be filled by original appointments or promotion. Regimental schools, with the regimental commanders as superintendents, for the practice and theoretical instruction of all the officers in the military arts and the methods of administration and in raising and training the active army for field service will be held during the officers' school period.

The major generals commanding will designate the recruiting rendezvous for each company or regiment. The captain of each company, with the assistance of the officers of his company, will recruit his own company and begin the instruction of each man as soon as he is enrolled.

As soon as possible in the instruction period the companies of each regiment will be assembled at regimental rendezvous designated by the major generals commanding and equipped for service, and a curriculum of instruction, including practical and theoretical instruction in rifle practice, trenching, field cooking, first-aid treatment, bivouacking, marching, and the necessary field evolutions will be begun, provided that companies may be designated as school, college, or university companies to recruit their privates principally from students in attendance at schools or other institutions of learning, and such companies may be equipped and receive their instruction during the period of instruction at the places where they are organized at hours which do not interfere with the hours of schools, and their assembling at the regimental rendezvous may be delayed until the beginning of the field period. The men of such companies will receive no subsistence until the companies join the regiments, and their privates will be discharged in time to permit them to be present at the beginning of their next school term.

When the officers of a company fail to recruit the company to its minimum required strength by July 1 all the officers may be discharged and the company may be replaced by a company detached from the Army, National Guard, or Marine Corps, or a volunteer company may be accepted and its officers appointed without regard to previous service, or its place may be left vacant. Recruits may be received at any time before the completion of the field period, provided the strength of the company does not exceed the maximum authorized strength. Companies will be subdivided into squads commanded by corporals and sergeants, and the integrity of the squad organization will be preserved by making them when afield the messing units to which issues of rations are made, and by utilizing the squad organization whenever possible in the performance of work and duty.

Sec. 17. That at the beginning of the field period all regiments will be moved out from their rendezvous and assemble afield with the other regiments of their brigade and remain afield during the remainder of the field period or until ordered to their respective rendezvous for the discharge of the privates.

The movement of the armies thus afield will be planned to utilize Government or State reservations or other tracts available at a reasonable cost for field exercises and maneuvers. During the field period the principal method of moving troops will be by marching.

Armies afield will be equipped with the minimum of equipment necessary for instruction and without tents, except for headquarters, medical, and other necessary purposes, and with the minimum amount of necessary transportation. Troops will habitually bivouac or temporarily occupy available buildings, and their movements and stops will be regulated to take advantage of the use of existing storehouses, commercial transportation, and the agencies of commercial supply. Only one kind of uniform will be required of each soldier and officer, and no multiplicity of kinds of hats, shoes, and other articles of clothing will be required. Only such personal property or equipment as can be carried on the persons of men will be permitted, and no baggage will be transported except a limited amount for field and general officers. The accumulation and transportation of property unnecessary for field service will be prohibited.

The brigades of the division will be ultimately assembled for division maneuvers and evolutions, and for the purpose of holding grand maneuvers the President may organize the several divisions into two or more armies under the tactical command of officers who have organized and commanded divisions of the active armies.

Sec. 18. That in the later part of the field period the regiments will return to their respective rendezvous, where the privates will then be discharged by the regimental commanders. No transportation will be furnished to the place of enrollment.

During the finishing period the property will be secured and held ready for use of the next year's field army, and the accounts and records will be completed and submitted. Where an officer has acquitted himself of his accountability and responsibility, he may be granted, upon

his application, by the regimental commander a furlough on full pay of not exceeding one month, and may be discharged to take effect at the end of his furlough, and receive his furlough pay in advance: *Provided*, That no pay will be paid for a period after December 31. During this period the officers present, not otherwise employed, will be instructed in the military arts and science.

The property of the active army may be delivered into the custody of officers of the Regular Army designated by the Secretary of War to receive it, and when so received it will be held in trust for delivery to the succeeding division of the active army without transfer of funds, and such parts of it as are from time to time needed will be transferred, upon request, to the authorized agents of the major general commanding.

Sec. 19. That all returns, muster rolls, and records of personnel of organizations of each division of the active army shall be rendered to its major general commanding, shall be transmitted by him, and filed in the office of The Adjutant General of the Army. Medical records will be kept and filed as required for medical records of the Regular Army.

All money accounts and property returns of officers in each division of the active army will be rendered to major general commanding, who shall have administrative control. He shall make such consolidated accounts and returns to the Secretary of War as the Secretary of War may require, and cause the disbursing officers under his command to make the required returns to the accounting officers of the Treasury Department.

Sec. 20. That the sum of \$40,000,000 be, and is hereby, appropriated, out of any money of the Treasury not otherwise appropriated, for the purpose of raising, organizing, equipping, training, and maintaining the active army of the calendar year 1918, which sum may be expended in part in each of the fiscal years ending June 30, 1918, and June 30, 1919: *Provided*, That this sum will be allotted by the Secretary of War among the several major generals commanding divisions of the active army, to be expended and disbursed in each division under the direction of its commanding general, and for any and all purposes set forth herein, and that the commanding generals are responsible only to the Secretary of War and not to any bureau of the War Department, and the control of the property purchased from the funds of this appropriation remain with the commanding generals of divisions of the active army, and when stored in depots or transferred to officers of the Regular Army for safekeeping it remains in trust for the use of the active army.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. GARDNER. Maj. Harlee is a gentleman with ideas which differ conspicuously from those of his associate officers and from the enlisted men.

As I told the House late the other afternoon, I went to the border in November largely with the idea of finding out why men do not enlist in the Regular Army. I went to the El Paso, Tex., district, and subsequently I went down to Colonia Dublan, in Mexico, in order to visit the Regular Army there and see the enlisted men. I began at El Paso by going to the Young Men's Christian Associations of the National Guard and getting in touch with individual National Guardsmen through the Young Men's Christian Association. Then I went to Chaplain Axton, at Fort Bliss. By him I was put in communication with six different enlisted men of the Regular Army who had been on recruiting duty themselves. Recruiting officers stay in an office and attend to the paper work of enlistment and the administration of oaths. The enlisted men on recruiting duty go down on the street corner and argue with the would-be recruits.

After my investigation at Fort Bliss, Tex., I went down to Colonia Dublan, in Mexico, and there I met five more noncommissioned officers and privates who had been actually on recruiting duty. Altogether I met and interviewed 11 noncommissioned officers and privates, representing five different organizations. In no case did they have an opportunity to consult with each other beforehand, because in no case did they know what I wanted to talk about. In one case the arrangements for the interviews were made by the chaplain and in the other case I think that they were made by the son of the gentleman from Nebraska [Mr. SHALEBERGER]. When I went down to the border I was imbued with the idea that this Army caste business about which the gentleman from Colorado [Mr. KEATING] has been talking, had a great deal to do with the shortage of enlistments. I talked with Regular officers with whom I had served, and I pointed out that there was this idea about officers' snobbishness abroad. My friends felt that I had been misled. I said, "I am afraid there is something in it." I went to the border with that idea, but after I had looked into the matter I changed my opinion 180 degrees. In other words, I exactly reversed my former views. The 11 men whom I interviewed were unanimous in declaring that there are two principal reasons for nonenlistment which stand out beyond everything else. One of these reasons is that we do not pay our men enough, and the other reason is because there is too long a contract of service.

Mr. KEATING. If the gentleman will yield, Maj. Harlee has recommended that the pay should be increased, and I agree with him.

Mr. GARDNER. Every one of those enlisted men agreed that these were the principal reasons for the scarcity of recruits, and 10 out of the 11 men agreed to as a deterrent the low pay outweighed the long contract for service. The eleventh thought that as a deterrent the long contract of service outweighed the low pay.

Mr. CRISP. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. CRISP. Were the 11 men whom the gentleman interviewed members of the Regular Army or National Guard?

Mr. GARDNER. They were all noncommissioned officers or privates of the Regular Army who had been on recruiting duty. I think that 10 were noncommissioned officers and that 1 was a private.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. HUDDLESTON. Does the gentleman think that he could have got a candid answer from these men if they felt that they had been degraded by the enlistment, because of the system that prevailed?

Mr. GARDNER. I am quite sure these men were talking to me as they believed, and not trying to conceal their opinion on the caste system. I said, "As a matter of fact, is not there a lot in this caste business? Is it not the fact that the officers have a social air about them and try to put it all over the enlisted men, and when they see you with a lady on the street and you salute, is it not true that they are toplofty and perhaps fail to return the salute?" The soldiers replied that that was all "guardhouse lawyer" talk. I was astounded at the unanimity with which those enlisted men said that there was nothing in this talk that officers' snobbishness impedes enlistment.

Mr. BAILEY. Will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. BAILEY. On the subject of the low pay, I have heard that matter raised a number of times. Is it not a fact that the pay of the soldier, taking into consideration all the other elements that enter into it, is about as good as it is outside?

Mr. GARDNER. Oh, nothing like as good. It is \$15 or \$20 less per month than the pay of the average workman. Men are willing to make some sacrifice, but are not willing to do all the sacrificing in the community. A community is nothing but a great group of men. Supposing that a dozen men get together and decide that some one of the lot has got to do the fighting. Here is Jones; he is getting \$95 a month as a bricklayer. Another man gets \$28 and all found as a farm hand, and the next man is getting \$1,000 a year as a clerk. And so they say, "GARDNER, you go ahead and do the fighting." I say, "What will I get as my share if I do the fighting?" "Oh," they reply, "You will get \$15 a month, all found, and take the rest out in patriotism." That is what we are saying to our recruits. [Applause.]

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. SMITH of Michigan. I see by the record that Gen. McCain is quoted as saying that the enlistments are 2,000 a month.

Mr. GARDNER. Oh, more than that; they average 4,000 per month. I think that the General testified that we gain about 2,000 men a month, net. But we have only gained 16,500 above our losses in the nine months which have elapsed since we passed the joint resolution of March 17, 1916, authorizing the President to bring the Regular Army up to its full strength, which as we were told, meant an increase of 20,000 men. Instead of getting those 20,000 men promptly, it has taken us over nine months to raise the strength of our Army by 16,500.

Mr. GREEN of Iowa. The gentleman would have to increase the wages of farm hands 50 per cent, if I understood him correctly.

Mr. GARDNER. Oh, I know that wages differ in different communities. In Virginia, for instance, white farm laborers get about \$18 a month and bacon and pork and fuel and housing for themselves and families. In some States the pay of farm laborers is higher and in others not so high. I have been over this question with a great many men in the National Guard. I specially tried to find out what the National Guard thought about the Regular Army. I got Gen. Bell to send out a list of questions to every first sergeant of the National Guard in his command, and there were 296 of them; and to every National Guard captain in his command, and there were 296 of them also; and to every National Guard colonel; and to every National Guard major who commanded a separate battalion, making 612 inquiries in all sent out at my request. Under the order issued each reply was to be returned not through military channels but directly to Gen. Bell, with the understanding that the name of the signer was to be held confidential. One of the questions

asked was: "Have you any ideas as to universal military training; and if so, what are they?" Five hundred colonels, captains, and first sergeants replied that they were in favor of universal military training and only 10 opposed it.

Listen to the questions sent out by Gen. Bell and listen to the answers:

Here is Gen. Bell's order:

HEADQUARTERS, EL PASO DISTRICT,
El Paso, Tex., December 13, 1916.

1. The following questions will be answered by each regimental commander, company commander, and first sergeant of the National Guard.
2. The answers will be written with a typewriter or pencil and the completed paper will then be sealed in an official envelope and mailed without delay direct to the "Commanding General, El Paso District, Mills Building, El Paso, Tex."
3. The district commander desires that each man called upon for report express his opinions without consultation with anyone.

By command of Brig. Gen. Bell:

H. H. WHITNEY,
Lieutenant Colonel, Adjutant General, District Adjutant.

Here are the questions and answers:

No. 1. Question. Would the instruction of the National Guard proceed more rapidly if more Regular officers and noncommissioned officers were detailed for service with the National Guard?

Answer. Yes: Colonels, 18; captains, 190; first sergeants, 180; total yes, 388. No: Colonels, none; captains, 41; first sergeants, 53; total no, 94. Conditional: Colonels, 2; captains, 50; first sergeants, 38; total conditional, 90.

NOTE.—The noes were qualified in about half of the replies by the statement that there were "already enough," meaning that one Regular officer and three Regular noncommissioned officers as at present detailed for the instruction of each regiment were ample.

No. 2. Question. Are the officers and enlisted men of the National Guard desirous of the instruction from the officers and noncommissioned officers of the Regular Army? If not, what is the reason?

Answer. Yes: Colonels, 16; captains, 217; first sergeants, 205; total yes, 438. No: Colonels, none; captains, 12; first sergeants, 30; total no, 42. Conditional: Colonels, 4; captains, 49; first sergeants, 17; conditional, 70.

No. 3. Question. Can you suggest any way in which the officers and men of the Regular Army cooperate more fully with the National Guard in the development of a citizen army?

Answer. The answers to this question may be roughly classified as follows: More cooperation by friendly intercourse and a closer relationship, 122; more careful selection of Regular Army instructors, 28; more instruction from Regular Army, particularly at home stations, 83; sundry suggestions, 50.

NOTE.—Over 70 replies to question No. 3 desired one regular officer with each regiment or separate battalion and one noncommissioned officer with each company instead of only three for the whole regiment, as at present.

No. 4. Question. Have you formed any opinion on the question of universal military training? If so, what are your ideas?

Answer. In favor: Colonels, 16; captains, 250; first sergeants, 234. Total yes, 500. Against: Colonel, 1; captains, 5; first sergeants, 4. Total no, 10.

No. 5. Any additional remarks you may have to make bearing on the above.

Many of these remarks are most valuable. They will be made a subject of special study at Gen. Bell's headquarters.

Many a time in a speech on preparedness I have advocated universal compulsory military training. Every time I have been rewarded with thunders of applause. Moreover, recently when I tried it in the Middle West, in Cincinnati and in Detroit, I had as much applause for compulsory military training as I could have hoped for in my home town.

There are several improvements which I wish I could see made in the lot of the enlisted man. I wish we would pass a law preventing such duty for enlisted men as the grading of the parks around some of the Army posts. I do not believe that that sort of duty is what they enlist for. The larger number of recruits come from the class of men whose necessities require them to take \$15 a month because no better job is in sight. A lad comes to St. Louis, let us say. He thinks that he is going to find a good job on every street corner. Pretty soon he finds that he can not get a good job, and so he is obliged to take a poor job at \$15 per month, unless the I. W. W.'s persuade him to stay away from the recruiting officer. If the recruiting officer persuades the recruit, Uncle Sam takes advantage of the latter's necessities and gets him to work for \$15 a month.

The largest fraction of our recruits are men whose financial necessities are pressing. The second largest element is composed of men of an adventurous spirit, men who want to see the world's wheels go around, men who want a novelty. Prob-

ably the adventurer makes the very finest soldier of them all. A third class is composed of men who are tired of the particular job which they are doing at the time of their enlistment. For instance, a man may be a stonemason. He gets tired of being a stonemason, and he enlists in the Army, not because he is out of a job but because he is tired of being a stonemason. Then there is a fourth class—"snowbirds," as they call them. They come along in December and January, when the cold weather sets in, and they enlist with a deliberate purpose of deserting when the warm weather comes around. Their number is not large. I have gone carefully into those figures of Gen. McCain. It is true that we are gaining soldiers more quickly than we are losing them; but two things must be remembered: In the first place, winter enlistments are always larger. Furthermore, look at the actual figures: From February 29, 1916, to December 31, 1916, 10 months in all, the entire Army, notwithstanding all the reservists called back or held to the colors, was increased by only 16,521 recruits.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Contingencies, Military Information Section, General Staff Corps: For contingent expenses of the military information section, General Staff Corps, including the purchase of law books, professional books of reference; periodicals and newspapers; drafting and messenger service; and of the military attachés at the United States embassies and legations abroad; and of the branch office of the military information section at Manila; the cost of special instruction at home and abroad and in maintenance of students and attachés; and for such other purposes as the Secretary of War may deem proper; to be expended under the direction of the Secretary of War: *Provided*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation, \$11,000.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word. I have been very much interested in what both the gentleman from Colorado [Mr. KEATING] has had to say of Maj. Harllee's statement and the statement of my distinguished friend from Massachusetts [Mr. GARDNER]. Having at one time had a little experience in the Volunteer service, I think I can put my finger on some of the difficulties we are having in the recruiting of men in the Regular Establishment. In the first place, I want to say this—that I think, as these appropriations increase, and they have enormously increased, the people of this country are going to demand a more efficient administration of our affairs, both as to the Navy and the Army. [Applause.]

The business men of this country are paying for this preparedness propaganda, as our revenue legislation will disclose. There is no doubt about that, and I do not mean to say that it is wrong that they should pay for it. Here is one of the great troubles about the Regular Army: In the city of Atlanta, in my district, we have what is known as Fort McPherson. It is a battalion post at this time. We have a battalion of soldiers out there, a minimum-strength battalion. They go out there and they get up in the morning to the same bugle call and go through the same drill the same length of time, see the colonel or the major sitting on the same horse, eat the same food, and then go down and start to play cards, or do anything on the face of the earth to kill the monotony of camp life. It is a fact that a man when he gets into the Regular Army feels that he is there absolutely stagnating for the time that he is in, and that when he gets out he will not be any better prepared for anything else in life than he was when he came in, and, in addition, he has acquired the habit of being trifling and lazy. That is the whole truth about it. Another thing: There is not enough personal interest manifested by the officers in our Regular Army. I agree with my friend KEATING from Colorado. I believe the Army officers and the Navy officers—and I believe it because of overt acts, from their manner, from their method of dealing with the practical questions of life—think that when God Almighty made each one of them he took a day off to do it, and did not do anything else on that day but finish him up. I have been reliably informed that they have got a rule over here at this Naval Academy that if a student's old mother comes to see him on his graduation day, or comes over there at some commencement, and that cadet goes down to the depot to meet his mother, and she has got a hand satchel that weighs 40 or 50 pounds, that that young fellow can not reach down and take his old mother's hand satchel, because it is below the dignity of an officer in the great American Navy to be polite to his old mother and carry a package of any kind. Well, God save the mark if that is the rule. [Applause.]

Mr. CALDWELL. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. CALDWELL. I think the gentleman is entirely wrong about that proposition.

Mr. HOWARD. Oh, well, I do not know whether I am or not, and I do not think the gentleman knows; I hope I am wrong, but I have seen it stated in the papers and it happens that I have a friend of my family who visited over there last year at commencement and she tells me it is one of the rules. I do not know whether it is or not, but she heard it just like everybody else heard it; but I know they come out of there "feeling their oats" just a little bit more than before they went in. I do not know what is the cause of it but there is something wrong when education makes a fool out of a fellow about some things. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia? (After a pause.) The Chair hears none.

Mr. HOWARD. Now, I happen to have had the honor of serving on the Committee on Military Affairs of this House for two years and I tried to inform myself about some of the things while I was there. My honest judgment is that with every lump-sum appropriation that is made for the Army or the Navy 33½ per cent of it is lost in the motion of getting that money to the real benefit of both services. Now let us see. We have in the American Army one of the craziest ideas I have ever seen stood for by people who have got any plain ordinary common sense. For instance, an officer will be stationed in New York. He is a first or second lieutenant, and they will issue an order, just like they were moving chess on a board, and they will ship him from New York to San Francisco, and they will take a man in San Francisco and ship him to New York to fill that officer's place. Then they will pick up a fellow in Maine and send him to Texas, his household furniture and everything costing him more, and we lose in absolutely useless transfers of officers anywhere from a million to a million and a half dollars a year. The men do not have time to form any personal attachment for their officers. They are transferring them all the time at the expense of the people for no particular reason.

Why is my distinguished friend from Connecticut [Mr. TILSON] so popular with his regiment? It is because he stays with them; they know him; they know what sort of a man he is and love him because he is human and considerate, and they are willing to do anything on the face of the earth he wants them to do. Why not adopt that same sensible system in our Regular Army? Now, another thing. Until we offer the American boy something besides money to serve in the Regular Army you will never get those boys to enlist. I do not care if you raise it to \$24, I do not care if you raise it to \$28 per month, you will not get the men much faster. I will agree that it may stimulate enlistments in hard times, but men would rather work for somebody else after they know what service in the Regular Army is at less wages than to work for the Government. Now, let us see how you can get them. I venture the assertion that if some practical man will work this out and say to the boys in every State in the Union, "We are going to establish an Army post in each State. There is going to be a distinctive, natty uniform; that the years of enlistment are going to be six; that you are going to serve two years with the colors and that during those two years we are not only going to teach you how to drill, how to ride, how to shoot, how to pitch tents and dig trenches, but we are going to teach you something else. We are going to teach you something that will stay with you and benefit you when you go out. We will teach you agriculture, we will teach you how to become a blacksmith, or how to become a mechanical engineer. We will teach you mathematics, and grammar, and writing. Why, these retired officers are running around here doing nothing, and everyone of them could be used in this educational department in each State in the Union, and if you would let the young country fellow know that he can go to his own State, associate with boys of his own State, that he would be near his home while he is being trained as a soldier and that he could get some finishing touches put on his education, you would have to take a baseball bat and stand in front of the recruiting office and beat them away instead of going out and expending millions of dollars to get soldiers for the Regular Army. [Applause.] That is what is the matter with the Regular Army. You do not offer the young Americans anything. They do not want to become drones and you mold them just like you mold bullets.

Mr. FARR. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. FARR. These opportunities the gentleman describes are given to boys in the Navy, and yet we are 25,000 short.

Mr. HOWARD. Yes; that is true in a measure of the Navy; but what would be the condition of your personnel if it had not been for the institution of these schools by Secretary Daniels?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I ask leave to extend my remarks in the Record on this particular subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

Mr. HOWARD. Under the leave granted me I desire to incorporate as appropriate to this discussion a copy of an article I wrote last year for one of our daily journals in which I went into detail as to the plan for really building up a standing and reserve army in this country of at least 500,000 trained-to-the-minute men:

"My experience on the Military Affairs Committee has convinced me that there are many abuses, uneconomic policies, and lack of cohesion in the administration of the affairs of the War Department. We get too little for the amount we expend, the per capita cost being in excess of \$1,000 per annum.

"Then, again, our present system creates no nucleus for a reserve army of trained men that may be mustered into the service upon short notice in formidable numbers for defensive purposes.

"Further than this, we are using too many of our officers in purely clerical positions in the War Department. These officers are drawing large salaries; they attained their military training at a cost of \$16,000 each to the people; and in view of the continued shortage of Army officers they should be in the field performing the duties they were educated to perform and leave such departmental service to civilian employees.

"I have collaborated with one of the most brilliant young officers in the American Army on a practical plan for the future Army. I feel that I would be unfair to this splendid officer if I did not state that every professional detail of this plan should be accredited to him.

"The cost of this plan, in my judgment, will not be over thirty millions additional a year. It gives adequate security to the Nation. It will stimulate interest in military affairs; and I confidently submit it to the people as sound from a military standpoint, from a patriotic standpoint, and most economical in every detail.

"A great many measures upon military preparedness, pro and con, will be introduced in Congress, which will tend toward mental confusion; but if each thinking American will make himself conversant with the defects of our present Military Establishment and our military needs, in the light of the recent lessons given us by the present world war, public opinion will soon intelligently express the will of the thinking people, and certain general plans of action will be accepted, others rejected, all of which will tend to prevent the referred-to mental confusion in Congress.

"I propose to first ask you to accept a universally acknowledged military principle, then I will discuss, first, the defects of our present Military Establishment; second, our military needs; third, the present proposed changes to meet these accepted needs; and I will conclude by outlining for your consideration my plan above referred to, and will discuss its merits from every angle.

"Two weeks ago England announced that no troops who have not had at least one year of constant training would be sent to the front. In other words, war has become a science demanding, more so than heretofore, that even the private be scientifically educated and trained, which can not be accomplished in less than one year of continuous service with the colors. This is the acknowledged military principle I must ask you to accept. Since we have been in the past successful in all our wars without acknowledging this principle, a fallacy has grown up in this country that a brave man with a gun is a soldier. Any nation that sends its untrained sons in this day and time to the front to face a scientifically trained and educated army commits ignominious murder. Our military history also proves this principle, but our final successes have caused us not to notice or realize the great unnecessary cost in blood of all our wars. I ask you to accept with me this military principle, not only in order to prevent our sons from being sent untrained to war and ignominiously murdered, but also because the ultimate fate of this Nation might be endangered in any war if we should meet a scientifically trained and educated army with troops of less than one year's training.

"I will now briefly discuss the most glaring defects of our present Military Establishment. A regiment of our Infantry—and Infantry is the backbone of the Army—on paper during peace times consists of 12 companies of 65 men each. A regiment is commanded by 50 officers. This number of officers would

not be increased at the outbreak of war, but each company would be increased by 95 untrained men, making each company 150 men in number of each regiment 1,800 strong. Thus we see the peace efficiency of the Regular Army would be nullified at the very outbreak of war by being swamped with untrained men. Also if 50 officers are necessary to command 1,800 men during war, but only train a regiment of 780 men during peace times, we are not using our plant at its maximum efficiency or speed. During business depressions the recruiting officers have no trouble keeping each company at a strength of 65 men, but during prosperous times men will not enlist, and companies decrease in strength, often as low as 20 men per company, and are officered and trained by, theoretically, 50 officers. Therefore we see our system is extravagant, if we compare the amount of protection it affords us with the money we spend on it. It resembles a commercial plant running at less than two-fifths of its capacity. Such a condition of affairs proves, first, we are not now during peace reaching the proper voluntary enlisting spring of the Nation, and, second, our plant would only be running at two-fifths its capacity, even should we be able to get 65 men for each of our companies.

"The keeping up of our numerous small posts causes unnecessary expenditures from every point of view. Many of them are distant from our great strategical points, which in most cases are our largest recruiting centers, thus causing large transportation expenditures in sending the men to these numerous and distant small posts and at the end of three or four years returning them to the enlisting places. By saving this unnecessary transportation hundreds of thousands of dollars could be saved each year. The country is crowded with small posts, the upkeep of which costs immense sums. By selling these small Army posts, with this money for larger commands, a saving would accrue, because a brigade post could be maintained at a less cost than three regimental posts. Also it is cheaper to feed 1,800 men than it is to feed three groups of 600 men each.

"When we consider the numerous enlistments during hard times and the few enlistments during prosperous times we come to the conclusion that a great part of the Army is recruited from an undesirable element, which has a tendency to cause the profession to be looked down upon by the layman, whereas it should be looked up to. This undesirable element also contaminates a great many young men, especially those from the South and Middle West, who enlist to go abroad to see the country. This deleterious condition should be corrected at once.

"Now we come to a more vital defect. It will be the future policy of this country to rely in time of great national danger upon the discharged soldiers, and during peace the Army should be a school turning out a certain number of trained soldiers each year; these men to constitute the great reserve army to which the country looks for protection when war is declared, and not to the small standing army. Since our Army is turning out trained soldiers at the present time at less than two-fifths its capacity and about 30 per cent of the discharged soldiers reenlist, thus reducing the number available for the reserves, we see that the present system if continued will never supply us with a reserve army, and we will be forced to send our untrained sons forth to fight our battles and be defeated and murdered. When we take a pencil and paper and figure the number of trained men our military plant could, by running on a maximum-number basis, transfer to the reserves each year we see that the Army is too small to serve this end, the end being to supply us with trained men for a reserve army of 300,000 men, which our military experts tell us is necessary to make this country secure from invasion. Also when we study the personnel of any regiment we find it composed of men from practically every State in the Union, and a practical mind will at once see the impossibility of keeping 'tab' on these men when they are discharged and return to the four corners of our country. To keep a record of 300,000 discharged soldiers, assigned to and discharged from scattered regiments in the heterogeneous manner that is now in vogue, would require an army of clerks.

"Now, let us discuss our military needs. Our War and Staff Colleges tell us convincingly that in case our fleet was destroyed or rendered useless, say, by being in the Pacific Ocean when it should be in the Atlantic, or vice versa, and the Panama Canal out of commission, certain strong military nations have, individually, sufficient merchant marine to land a complete army of 300,000 men, out of range of our coast defenses, capture them from the rear, and immediately, unopposed, capture the adjacent cities (New York not being excepted), and they notify us that our greatest possible military need is to be sufficiently strong in organized and trained men to render such an invasion from any nation impossible. Hence it is clearly the duty of Congress to provide this Nation with sufficient protection to make such an invasion impossible, and to do so in the most economical manner as regards money and men permanently withdrawn from

civil life. These military experts convince us that to secure the desired amount of necessary protection our mobile army should be increased by 10 regiments of Infantry and 4 regiments of Field Artillery, the National Guard rendered more assistance and thus made more efficient, and that we should have an organized, officered, and trained reserve army of 400,000 soldiers. I think these demands are sufficiently modest, reasonable, and can be economically supplied.

"Then, let us now take up and discuss the different proposed measures which would supply us with the desired Regular Army increase, an efficient National Guard, and a reserve army of 400,000 men. To date all proposed plans for increasing our Regular Army have passed over this vital issue by saying: 'We will increase our Regular Army by 10 regiments of Infantry and 4 regiments of Field Artillery,' but they do not tell us what spring of national impulse or sentiment to press during prosperous times to obtain these additional men or even the present authorized number of men. All of these proposed plans contemplate continuing to operate our expensive Army plant at two-fifths its capacity; they do not attempt to settle the question of selling or abandoning our undesirable posts and placing our small Army at strategic points; they do not correct our present extravagant transportation expenditures by working out a sane plan of assigning and discharging our soldiers, which would also keep them available for reserve use. No plan so far has figured out what economical changes can be effected in our Regular Army, and how this money saving can be used to partially offset the additional expense of increasing the Army. Until these questions are considered and corrected, to increase our regular mobile army would be unwise.

"All appear agreed upon the plan of assisting and improving the National Guard by paying them when in camp from both the State and Federal Treasury, and it is certain that this would be of some assistance. However, I do not think such an expenditure a wise one until we correct certain defects in the National Guard system as it now exists. We should change the National Guard so as to make it dovetail into any radical change in our military policy. The spending of Federal money upon inefficient National Guard troops that can never become efficient should not be allowed, but the spending of the Federal money upon even inefficient National Guard organizations situated so that they can be made efficient should commence at once. By efficient National Guard I mean an efficiency possible of being attained at the end of two years' service, which would be equivalent to a degree of efficiency obtainable by one year of continuous service. You see I adhere, and ask you to adhere, to our accepted principle that we can not use untrained troops in modern wars, and I will not willingly consent to Federal money being spent except in carrying out this principle. No plan of assisting our National Guard proposed to date that I know of takes cognizance of the fact that some National Guard organizations have attained an efficiency almost equal to our Regular Army, while other organizations have for years decreased in efficiency and have been juggled around to meet State and city politics.

"Some cities, having an unusual boosting spirit, have increased their complement of National Guard organizations to such an extent that they have been unable to keep them efficient, because interest soon subsided. To spend Federal money on such organizations would not be to our interest; but to reduce, say, a lightly recruited and inefficient regiment to a battalion which could take care of all the men previously in the regiment and then spend the Federal money in making that battalion as efficient as our Regular Army is highly desirable. The only injustice that such a step could cause would be in the letting out of the National Guard of a great many officers who have spent time and money in the same. However, these men should be taken care of in the reserve army. So instead of enlarging our National Guard and paying it out of our Federal Treasury I favor first putting it in some cases in such condition that it can become highly efficient and then rendering it Federal aid. I believe such a plan would serve best the interests of both the Federal and State Governments and meet with approval from all National Guard officers. This would not affect those splendid regiments of National Guard that have attained a high degree of efficiency but would assist them in the manner they are now asking of Congress.

"Numerous schemes have been proposed for securing our reserve army of 400,000 civilians and securing officers for the same. Most of these plans prove to be theoretical and not practical upon examination. They do not recognize the defects in our present recruiting system, nor do they take into consideration the abnormal amount of interest in this subject caused by the atmosphere being electrified by the present world war and appreciate that this interest will subside when the war

is over. I dismiss Gen. Wood's scheme of using our business men right here by asking if you believe that 10 years from now, when the world war is over and the atmosphere is not electrified with war, will it be possible to get the mayor of New York and 1,000 of the leading men of that city to go to Plattsburg and spend one month under canvas learning to become soldiers? Look back 10 years and see if such a camp was possible. It is also impossible because it violates our accepted military principle by attempting to make reserve officers out of these gentlemen by a month's training each year.

"The scheme now being proposed by the Secretary of War for a reserve army of 400,000 civilians is as follows: Every year 133,000 civilians would be asked to enlist for three years with the colors and three years on furlough, but during the three years with the colors would be required to undergo an intensive service for a short period of one or two months, and the rest of the year they are civilians to all intents and purposes. This plan I consider impractical, for the following reasons:

"First. It does not contemplate using the men we discharge from our expensive Regular Army plant as reserves, nor does it contemplate changing our present Regular Army defect so as to make it possible to use these men or operate the plant at its maximum efficiency.

"Second. As soon as the present abnormal interest aroused in military affairs subsides I do not believe we can enlist 133,000 men a year during prosperous times and ask them to give us one or two months of their time each year for three years—this in addition to the enlistments necessary for our increased Regular Army and our increased National Guard that the plan also contemplates.

"Third. The keeping tab on these 400,000 men would require an army of clerks, and to date no satisfactory scheme has been devised to accomplish it.

"Fourth. It violates our accepted principle and means we would permit them to be murdered if they were ever called upon to face a trained army. Such a scheme has been successfully used in Switzerland, which is a small country, and the complement enlisting each year with the colors includes all the men of a certain age; but 133,000 men each year would not include one-fifth of our available men of any specified age, and this fact alone would defeat its successful application in this country. We know too well how ultra polite each young man would be during prosperous times when the Government would ask for the 133,000 recruits. I fear there would be a great deal of nudging and bowing to the other fellow, with the remark, 'After you, my dear Gaston.' We must recognize the fact that a successful system of a small republic will not of necessity meet the different existing conditions found in a large republic without radical modifications.

"Now, we come to the solution of the problem that I propose to submit to the American people for their consideration. I desire to say that I am in accord with the administration as regards the amount of increase necessary for the Regular Army, also the general idea of the administration as to extending to the National Guard a helping hand and as to the size and necessity of our reserve army. However, I differ with others in that I do not believe that a practical plan that will attain the desired end has as yet been submitted. I would not criticize other plans were I not able, in my opinion, to submit a better one, which is economical as regards money and men withdrawn from civil life, and which hurts no one, but benefits many not at present benefited.

"Recognizing that our present voluntary system of enlistment is a failure during prosperous peace times, we ought to bring other forces to play on the recruiting element of the Nation when we consider increasing our Regular Army. Where can such a force possible of utilization be found? I believe it can be found during peace in State patriotism, loyalty, pride, or enthusiasm. I do not mean to say that we as a Nation have no Federal patriotism, loyalty, pride, or enthusiasm, but I do say that these elements lie dormant within us during peace only to burst forth with fury and make State patriotism secondary when war is imminent. I believe this State spirit is the strongest potential force possible of utilization during peace, prosperous, and hard times that the Government has with which to solve Regular Army, National Guard, and reserve army problems. And I base my entire plan on the possibility of its successful utilization.

"In utilizing this State spirit my plan calls for an Army post in each State, and the Regular Army organizations, after being increased as now contemplated, assigned permanently as Federal troops to the different States. This assignment to States would be on the general basis of the number of recruits now being obtained from the respective States. Understand that the State governments themselves would have nothing whatsoever to do with these organizations. These Regular Army organizations

will be recruited to war strength, the men to serve two years with the colors and to be then placed in the State organized reserves for four years, during which time they would receive a small monthly allowance from the Federal Government and be required once each year to report for field training. These discharged men would constitute my national reserve army.

"I presume you are now asking, 'But how do you propose to get the recruits for this Army?' I will answer this question and probably others by illustrating the general application of the plan in the State of Georgia. From the recruiting data of the State of Georgia, based on both prosperous and hard times, we would at least have assigned to this State our permanent Coast Artillery garrisons and one regiment of Infantry, this regiment consisting of 1,800 men, divided into 12 companies of 150 men each. These men would enlist for six years, but only serve with the colors for two years and then four years in the Georgia reserves. This regiment would forever be called, say, the Twentieth Georgia Infantry. It would forever, when not on foreign service for two years or on the border, be stationed at Fort McPherson, Ga. Let it have a distinctive, natty, inexpensive, full-dress uniform. Let the officers understand that they are permanently assigned to this regiment. All the recruits would be Georgians, and all recruiting officers would be extra Infantry or Coast Artillery officers of the Twentieth Georgia Infantry and the Georgia Coast Artillery companies. Now, what would be the results? Soon all Georgia would take an interest in her regiment of Infantry and Coast Artillery companies and a competitive spirit would spring up between all the States. This would cause a Georgia esprit de corps in this Twentieth Georgia Infantry Regiment, and this esprit would increase as the interest of the State of Georgia increased. The disadvantages of separation from loved ones and family that attend an enlistment in the present Regular Army would not exist, and a father would not object to his son enlisting and receiving the benefits of two years' military training when he knows his son would in all probability reside the two years in the State of Georgia at Fort McPherson and upon the termination of his service would return to him at once. These sons would be given a two weeks' or a month's furlough each year, and could then visit their homes and assist with the crops, and so forth. The very presence of these men on furlough in their home towns, in their natty full-dress uniforms, sober, straight, and erect, would offer positive evidence of the benefits to be derived from military training, would stimulate enlisting, and would quicken the pride of all Georgians. And what is true in Georgia is true in all other States.

"I would add to the now known benefits derived from military training that of teaching each man a profession during his two years at Fort McPherson. I would conduct a school corresponding to any public school in the State; also a school for carpenters, bricklayers, mechanics, blacksmiths, surveyors, typewriting, and so forth. Every man would be required to attend one of these schools. The higher officers of the regiment and recruiting officers would be asked to cooperate with the chambers of commerce, and the spirit of Georgia would then pervade the entire regiment. I would send a crack company to all the large State affairs. I would, as far as practicable, even assign men from the same sections of Georgia to the same companies, so that a young man joining the regiment would be living in the same room and messing at the same table with his friends, and mothers would know their sons to be among friends of the family and cared for by them in case of sickness. If this system presses the desired enlisting spring of the Nation, Georgia would be able to supply, according to recent enlisting data, at least her Coast Artillery companies and two regiments of Infantry each 1,800 strong.

"Of course, as you see, the plan first corrects the enlisting defects of our present Army, and you can not support it unless you believe it corrects this defect. Let us now discuss its application to the reserves. All men would, of course, enlist for six years, two with the colors and four in the reserves, which would cause approximately 900 men to go to the Georgia reserves each year and would give us about 3,600 men, or two reserve Georgia regiments. Most of these men would reside in Georgia, thus making it possible to keep in touch with them and mobilize them in a very short time (possibly not over three days), and certainly in a very economical manner. Their clothing (especially shoes), rifles, and other accouterments would be in perfect condition at Fort McPherson in lockers, and to put our reserves in uniform would be only a question of an hour after their arrival. Each reserve soldier would receive \$2 a month during the four years of his reserve service. This would insure and make possible the keeping track of the whereabouts of each man every month, and the pay of \$2 to every reserve man

would drop into his lap out of a clear sky each month, thus keeping up his interest in his military career and stimulating enlisting in his community. We must not expect something which is efficient and worth having for nothing; if we want the service and protection of 300,000 trained reserve men we must be willing to make a reasonable payment for the same. Some few reserve men would, of course, move out of the State of Georgia; in these cases they would be transferred direct to the reserve of the State to which they moved by the commanding officer of the Georgia reserves. The commanding officer of the Georgia reserve regiments would be a high-ranking Regular Army officer, who should have an office force of not over two assistants, one from the Infantry and one from the Coast Artillery.

"To obtain the necessary number of trained officers to command the two regiments of reserve Infantry and the reserve companies of Coast Artillery of the State of Georgia, I would give preference to the officers of the National Guard of Georgia. When I reduced slightly the number of organizations of the National Guard, there would be an excess of National Guard officers, and to these men I would offer commissions in the reserve regiments and Coast Artillery companies, subject, of course, to mental and physical examination. These reserve officers would, of course, receive a small monthly salary. For the rest of the reserve officers I would take the honor graduates of the military schools of this State, pay them \$100 a month for a year, during which time they would serve as additional lieutenants in the Twentieth Georgia Infantry and Georgia Coast Artillery companies. At the end of the year these officers would be transferred to the reserves and assigned to companies. Once this system is started, the number of men to be accepted as officers from the military institutions of the State would vary according to the vacancies. At the end of the first year of the system we would require sufficient officers to command 900 men, the second year 1,800 men, the third year 2,700 men, the fourth year 3,600 men. So by using one to five honor graduates of each military school each year and the National Guard officers we could have a corps of trained officers sufficient in size at the end of four years to officer the reserve organizations. These officers would know their men, and esprit de corps in each reserve regiment would soon be noticed. An honor graduate assigned to Company A, Twentieth Georgia Infantry, as an additional second lieutenant, upon the completion of his year of training, should be assigned to Company A of one of the reserve regiments. Likewise all enlisted men of Company A, Twentieth Georgia Regulars, upon being transferred to the reserves, should be assigned to Company A of one of the reserve regiments. This system would soon create an esprit de corps in the companies of the reserve regiment. Officers and men would look forward to the yearly maneuvers as a reunion. They would then meet and rub elbows with the men with whom they served for two years; reserve officers would be commanding in many cases the men they commanded during their one year. The entire system would blend toward real efficiency.

"When the President desired to mobilize the Nation's military forces one telegram only to each State would be necessary. The reserves of each State could be mobilized, clothed, and armed certainly within a week, and the President could mobilize a trained and educated army of over 300,000 men at any strategic point on either coast within three weeks from the date of ordering the mobilization. This is brought about because the plan works automatically to this end when we study it. Take New York State, for instance: It is at present our greatest recruiting center; hence it would have the largest number of Regular Army and reserve organizations. The States adjacent to New York are naturally densely populated, and therefore would have a fairly large number of Regular Army and reserve organizations, all of which makes possible the concentration at New York of a large number of troops at a moment's notice and also at a very small cost. Also we find that the system eliminates the present deleterious condition of having the young boys from the farms in the South and West serving with and being influenced by some of the undesirable element enlisting in some of our large cities. It also works our small Army plant at its maximum capacity.

"How would the system work when applied to our foreign-service conditions? Foreign service is very popular with our soldiers. As soon as it is definitely known that a certain regiment is scheduled for a tour abroad the regiment is at once filled with recruits. Hence, when our First Georgia Regiment is scheduled for two years abroad, and at the end of which time is to be returned to us at Atlanta with our sons, we would be only too glad to permit our sons to take advantage of the splendid opportunity of seeing the world. Especially would this be so when we realized the regiment was to be officered by sober, hon-

est, and efficient officers. The system eliminates two very grave existing conditions. It takes the question of where troops are to be stationed and the elimination of many of our undesirable posts out of politics. Each State would have only one post for its mobile army troops; and by mobile army troops I mean all troops except those in the Coast Artillery.

"This system would greatly benefit the National Guard. The discharged reserves would be encouraged at all times in associating themselves with the National Guard. Soon the National Guard organizations would consist mostly of men who would have completed their six years regular service. These men would join the National Guard in order to attend the encampments and see their friends again if for no other reason. Understand that I would at the commencing of this system only reduce the National Guard organization at places where it has been clearly demonstrated that the guard organizations are below the required strength per company or where they are very inefficient. In these cases I would simply request fewer organizations, say the transferring of all the men of a weak regiment into four strong companies or a battalion. However, I would take care of the officers eliminated as mentioned above.

"From an economical standpoint the system is well within reason. The real economy can only be realized when you figure the additional security attained by having the Army plant running at full capacity and a reserve army of 300,000 trained and officered soldiers (not civilians), and compare this class of security and what you pay for it with that attained by having your plant running at two-fifths of its capacity, a reserve of 400,000 citizens, and what it costs you.

"The visible economical features are listed below:

"First. Men to-day are sent from the place of enlistment to different and very often distant regiments, and upon being discharged are returned to the place of enlistment, which averages one-half the distance across the continent. This item of expenditure, which runs into hundreds of thousands of dollars each year, would be eliminated.

"Second. At present each soldier has the same money clothing allowance, because he is liable to be called upon to serve in any climate. Under the proposed plan there would be no occasion for southern troops to have a money allowance for clothing as large as the New England troops. Likewise the money allowance for clothing of the New England troops could be reduced, because they would not require certain articles of clothing necessary for southern wear. By carrying out this idea a large saving could be made.

"Third. Officers would remain with the regiments and the present large officers' mileage expenditures could be practically eliminated.

"Fourth. A corresponding saving on the freight bills for officers' household effects would be made as their mileage expenditures are reduced.

"Fifth. It is cheaper to feed 1,800 men than it is to feed three separate groups of 600 men, as we are doing now.

"Sixth. The cost of keeping up a post for a large command is less per man than keeping up three posts for the same number of men.

"Seventh. The cost of mobilizing troops for maneuvers would be less than it is now, because in practically every State by assembling Regulars, Reserves, and the National Guard a brigade maneuver could be held each year, and by combining the adjacent States a division or corps maneuver could be held every two years, and in each class of maneuvers the distance required to move the troops is less than at present. In other words, there would be a sufficient uniform distribution of our force over the country for this purpose.

"Eighth. By selling the undesirable and useless Army posts sufficient funds could be secured to enlarge the remaining ones and to build the new ones necessary and still have funds on hand. Fully two-thirds of the States have at least one post possible of utilization if we adopt this plan.

"If at any time the Government considered the Army plan turning out too many reserves, it would be reduced by only having 100 or 125 men in each company. Any reduction below 100 men to a company is believed unwise. On the other hand, if it is found that not enough men are supplied for the reserves a limited number could no doubt be attained by calling on civilians to enlist in the reserves, as the President now contemplates. However, if over 20 per cent of the reserves enter thus as untrained civilians, it would reduce the efficiency of the reserves to an undesirable point. Also a provision should be inserted permitting reserve men to reenlist in the reserve when the reserves are not at authorized strength.

"Let us now figure how our plan would work out:

<i>Regular Army.</i>		Number.
Forty regiments of Infantry, at 1,800 each	-----	72,000
Fifteen regiments of Cavalry, at 1,200 each	-----	15,000
Ten regiments of Field Artillery, at 1,000 each	-----	10,000
Two hundred and ten companies of Coast Artillery, at 100 each	-----	21,000
Three battalions Engineer troops, at 500 each	-----	1,500
Medical Department	-----	500
Total	-----	120,000

Two times this number, or 240,000, will give us the strength of the reserve army. The 120,000 in the Regular Army does not include the native regiments in our insular possessions or the special troops, such as those in the Quartermaster, Ordnance, and Signal Corps, and so forth.

"Our National Guard, after being reduced, will amount to a trifle over 100,000. So our total available strength possible of mobilization would be 440,000 men, less those on foreign service. We could eventually increase our militia by 60,000 as the reserve soldiers terminated their six years' service, and then we would have our 500,000 trained and officered soldiers, which amount of preparedness should render us forever free from even the fear of an invader's heel. If we accept this plan we avoid the evils of a large standing Army and at the same time make ourselves secure against attack, at only a small increase over our present military expenditures. We also improve morally, physically, and mentally a large percentage of our population, whose earning capacity will be sufficiently increased to warrant the expenditures."

Mr. BAILEY. Mr. Chairman, I move to strike out the last two words.

I would like unanimous consent to proceed for 20 minutes, and I want to make a statement here before I start. There has been a very serious attack made in this House by the gentleman from Massachusetts [Mr. GARDNER] upon men who hold opinions such as I do, and I desire to proceed for 20 minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAILEY] asks unanimous consent that he may proceed for 20 minutes. Is there objection?

Mr. CALDWELL. Reserving the right to object, on what subject?

Mr. BAILEY. On the general subject that is under discussion now.

The CHAIRMAN. Is there objection?

Mr. DENT. Reserving the right to object, unless some other gentleman desires to discuss the question while we are on this paragraph, I will ask that at the conclusion of the remarks of the gentleman from Pennsylvania all debate on this paragraph be closed.

Mr. EMERSON. Mr. Chairman—

The CHAIRMAN. That will have to be put as a separate proposition. Is there objection to the request of the gentleman from Pennsylvania [Mr. BAILEY]. [After a pause.] The Chair hears none.

The gentleman from Alabama prefers a unanimous-consent request.

Mr. DENT. That at the conclusion of the remarks of the gentleman from Pennsylvania debate on this paragraph and all amendments thereto be closed.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that at the termination of the speech of the gentleman from Pennsylvania that all debate on this paragraph and all amendments thereto be closed. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Pennsylvania is recognized for 20 minutes.

Mr. BAILEY. Mr. Chairman, for one, I wish to hurl back the charge of cowardice flung at the advocates of peace by the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. Yes.

Mr. GARDNER. When did I accuse you or any other advocate of peace of cowardice?

Mr. BAILEY. I will quote your language later, if you please. I do not care to be diverted just now.

It takes more courage than was ever conceived of in the philosophy of swashbuckling shoulder-strappers to face the mob and to bring to bear upon it the forces of reason and justice. Is that courage which enables the soldier to march up to the cannon's mouth the only or the greatest courage which men may show? No; a thousand times no. There is a brute courage and there is also a moral courage. There is the courage of the bulldog, the courage of the tomcat, the courage of the cock sparrow, the courage of a reptile which attacks another reptile.

But is this courage such as to inspire our loftiest admiration? Is it the sort of courage we try to develop and strengthen in our children? Who is the greater hero—he that taketh a city or he that conquereth his own soul?

The gentleman from Massachusetts may arrogate to himself a heroism that he denies to men like William Jennings Bryan, Henry Ford, David Starr Jordan, and the gentleman from Texas [Mr. CALLAWAY]. But I am here to say that any one of these is possessed of a spirit of heroism as far surpassing that before which the gentleman from Massachusetts prostrates himself as day surpasses night. The heroism which enthalls the gentleman from Massachusetts is that of the jungle.

Mr. GARDNER. Will the gentleman yield? I call the gentleman's attention to the rule of the House which says that a Member shall proceed in order and avoid personalities. I do not object to a reasonable amount of criticism.

Mr. BAILEY. I would like to ask the gentleman if he proceeded in order the other day when he branded those who stand for peace as cowards and allies of Germany. [Applause.]

Mr. GARDNER. If the gentleman can point out a single case in which I transgressed the rights of the House, all right. I shall ask the Chair to rule that the gentleman proceed in order and avoid personalities. I do not object to a reasonable amount of criticism, but I do not want the whole speech directed toward me.

Mr. BAILEY. What is the particular language the gentleman objects to?

Mr. GARDNER. I call the attention of the Chairman to the rule of the House which says that in debate a Member must avoid personalities.

Mr. BAILEY. I hope this will not be taken out of my time, Mr. Chairman.

Mr. GARDNER. I call attention to Rule XIV, which says:

SEC. 734. When any Member desires to speak or deliver any matter to the House he shall rise and respectfully address himself to "Mr. Speaker," and on being recognized may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

The CHAIRMAN. The Chair thinks, of course, the general rule is perfectly well understood that there must be a measure of decorum and propriety in debate which the Chair must enforce. There is also a latitude of argument and latitude of reply. What is the particular language used by the gentleman from Pennsylvania which is objected to as being an impingement on the rule cited?

Mr. GARDNER. It was the general fact that he seemed to be making me the butt of all his remarks. I never knew the gentleman, even by sight, until the other day, when he was in the chair, and I never mentioned his name on the floor of the House or elsewhere that I know of. Well, I do not care. Let him go on. [Laughter.]

Mr. BAILEY. Mr. Chairman, I repeat that the heroism which enthalls the gentleman from Massachusetts is that of the jungle. That is what I repeat, and I am willing to stand by it.

That which inspires men like William Jennings Bryan is the heroism of faith, of service, of love, of justice, of human kindness, of all-embracing brotherhood.

Mr. GARDNER. Is there a rule of the House, Mr. Chairman, that requires me to remain and hear the gentleman?

Mr. BAILEY. No, sir; you are excused, with my compliments. [Laughter.]

The gentleman from Massachusetts, echoing the voice of the metropolitan press and of the military satrapy which seeks to replace the ideals of the Republic with those of the principalities and powers which are now drinking at the fountains of blood, bewails the fact that the American people are taking counsel among themselves regarding this momentous issue which he wishes to be determined without their knowledge or their consent. He would silence those who can not accept the gospel of the claw and the fang which he preaches with such vehemence. There is to be no counsel save that of the war lords; no voice heard except that of the munition maker; no suggestion offered save by what may be usurped authority. Doubtless he believes with the Washington Post that death should be decreed against every American citizen who dares in this crisis of the Nation to speak the word of soberness in an effort to curb the mob spirit to which militarism always and everywhere appeals. His whole attack on those who believe the people should have some voice in a matter affecting their most vital interests is based on the assumption that only the war lords should be heard in such an emergency. He thinks that only cravens and cowards would question the word of those who settle disputes with the sword and who dispose of issues involving the national honor with 16-inch guns. Yet there is a

bravery above that of the barracks, a courage finer than that of the cavalier, a heroism more splendid than that of the man on horseback. It is the bravery of the man who faces the mob; it is the courage of the man who confronts the serried ranks of prejudice; it is the heroism of the soul which rises superior to the shafts of ridicule and malevolence in the cause of right and justice.

Mr. Chairman, the gentleman from Massachusetts conjures those who believe in the possibility of a peaceful solution of the pending problem to "stand by the President." But is he "standing by the President"? The President is hoping and striving to avoid war. With a matchless poise and patience he has thrown his incomparable influence on the side of peace. By every means at his command he is endeavoring to steer the ship of state through troubled waters to a safe harbor. Yet here is the gentleman from Massachusetts and those for whom he speaks going to extravagant lengths in their efforts to balk him and to force him to enter the war as an ally of the allies. The gentleman from Massachusetts makes no concealment of his purpose. He is at least frank, open, aboveboard. He does not beat about the bush.

I wish he were here to listen to this tribute.

He hates Germany with a consuming hatred. His heart is with Britain, and he wants to plunge his country into war as an aid to King George in his struggle to destroy Germany. Yet he has the consummate effrontery to stand on this floor before the American people and asperse the good faith of those who wish this country to remain neutral and to avoid a dangerous entanglement with the warring powers. He charges them with placing loyalty to Germany above their loyalty to America.

Mr. KING. Mr. Chairman, I make the point of order to this effect, that the gentleman is not talking to the amendment before the House. I agree with the gentleman largely in everything that he says, but I do not think that that last statement is fair or proper.

Mr. BAILEY. It is as fair as the gentleman—

Mr. KING. Therefore I ask for a ruling on the question.

The CHAIRMAN. The gentleman from Pennsylvania is addressing the House along the line which he proposed to speak.

Mr. KING. He is not discussing the amendment proposed by the Clerk.

The CHAIRMAN. The pro forma amendment?

Mr. KING. Yes.

The CHAIRMAN. The Chair did not understand when he got permission of the House that he was to discuss the pro forma amendment.

Mr. KING. He said he was going to talk on this bill when he got the consent. The gentleman has no right to accuse any Member of this House of being a subject of King George, no matter who he is.

Mr. POUL. Mr. Chairman, the gentleman from Pennsylvania—

The CHAIRMAN. If the gentleman raises a question of order—

Mr. KING. I do raise the question.

The CHAIRMAN. What was the statement of the gentleman from North Carolina?

Mr. POUL. The gentleman from Pennsylvania was asked what he was going to speak on, and he said "the general subject." That was a part of and a preliminary condition to the request that he made for unanimous consent.

The CHAIRMAN. The Chair will state that that is the way he understood the request of the gentleman.

Mr. CANDLER of Mississippi. Mr. Chairman, that was asked by reason of the fact that the gentleman from New York [Mr. CALDWELL] reserved the right to object.

The CHAIRMAN. The Chair does not believe unanimous consent was given for the discussion of just a pro forma amendment.

Mr. HARDY. Mr. Chairman, I want to call attention also to the fact that the gentleman from Pennsylvania distinctly stated that he wanted to reply to strictures that had been made by gentlemen on his views.

Mr. KING. Mr. Chairman, I ask that the words I referred to be taken down.

Mr. HUDDLESTON. Mr. Chairman, I make a point of order that the gentleman is too late. He has made a point of order on the scope of the discussion, and that has been discussed and ruled on, and now it is too late.

The CHAIRMAN. The Chair would not rule that the gentleman is too late to make the point of order. All this is occurring along the same line. The Clerk will read from the desk the last words to which objection was made.

The Clerk read the words.

Mr. KING. Now, Mr. Chairman, a parliamentary inquiry. Is that a proper parliamentary speech in the House?

The CHAIRMAN. The Chair will have to report that back to the House.

Mr. GARDNER. Mr. Chairman, I hope that these remarks will not be taken down if they are made at me. I do not mind the gentleman saying that I have a greater loyalty to Great Britain than to the United States.

Mr. KING. The gentleman can not withdraw my inquiry.

The CHAIRMAN. The committee will rise.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, objection was made to certain language used by the gentleman from Pennsylvania [Mr. BAILEY], who had the floor; that a request was made that those words be taken down, and they were taken down, and that he desired to report the words.

The SPEAKER. The Clerk will report the words.

The Clerk again read the words.

The SPEAKER. What is the will of the House?

Mr. HENSLEY. Mr. Speaker, I move that the gentleman from Pennsylvania [Mr. BAILEY] be permitted to proceed in order.

Mr. EMERSON. What does the gentleman mean by "in order"?

Mr. HENSLEY. Let the Speaker pass upon that.

Mr. KING. Mr. Speaker, I move that the words be stricken out.

The SPEAKER. The gentleman from Illinois moves that the words complained of be stricken from the Record. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. KING. I demand a division, Mr. Speaker.

The SPEAKER. The gentleman from Illinois demands a division. Those who are in favor of striking these words from the Record will, when their names are called, answer "aye"; those opposed will answer "no."

The House divided; and there were—ayes 58, yeas 31.

Mr. HENSLEY. Mr. Speaker, I make the point of no quorum.

Mr. KEATING. I make the point of no quorum, Mr. Speaker.

The SPEAKER. On this vote the yeas are 58 and the yeas are 31.

Mr. KEATING. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Two or three gentlemen make the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-seven gentlemen are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of striking these words from the Record will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 167, yeas 126, answered "present" 24, not voting 116, as follows:

YEAS—167.

Adair	Elston	Hinds	Magee
Anderson	Emerson	Hollingsworth	Mann
Anthony	Esch	Hopwood	Mapes
Austin	Estopinal	Howard	Martin
Bowers	Farley	Howell	Mays
Butler	Farr	Hull, Iowa	Meeker
Campbell	Fields	Humphrey, Wash.	Mondell
Capstick	Fitzgerald	Igoe	Montague
Carlin	Focht	James	Moore, Pa.
Carter, Mass.	Forney	Johnson, Wash.	Moore, Ind.
Chandler, N. Y.	Foss	Kahn	Morgan, Okla.
Charles	Freeman	Keister	Morin
Coady	Fuller	Kelley	Moss
Cooper, Ohio	Gallivan	Kennedy, Iowa	Mott
Cooper, W. Va.	Garland	Key, Ohio	Nichols, Mich.
Copley	Gillett	Kless, Pa.	North
Crago	Glynn	King	Norton
Cramton	Good	La Follette	Oakey
Curry	Gray, N. J.	Langley	Olney
Dale, Vt.	Green, Iowa	Lazaro	Palge, Mass.
Dallinger	Greene, Mass.	Leibach	Parker, N. J.
Danforth	Greene, Vt.	Lenroot	Parker, N. Y.
Dempsey	Guernsey	Longworth	Peters
Denison	Hadley	McAndrews	Platt
Dillon	Hamilton, Mich.	McArthur	Powers
Dowell	Hamilton, N. Y.	McCracken	Pratt
Driscoll	Hangen	McDermott	Ramseyer
Dunn	Hayes	McFadden	Reavis
Dupré	Hendon	McKenzie	Ricketts
Dyer	Heflin	McLaughlin	Roberts, Mass.
Egan	Hernandez	Madden	Roberts, Nev.
Ellsworth			Rogers

Rowe
Rowland
Sanford
Scott, Mich.
Sherley
Shouse
Sinnott
Slomp
Sloan
Smith, Mich.

Snyder
Stafford
Steenerson
Sterling
Stiness
Stone
Sulloway
Sutherland
Sweet
Temple

Tilson
Timberlake
Towner
Treadway
Volstead
Walsh
Ward
Wason
Watson, Pa.
Watson, Va.

Wheeler
Williams, T. S.
Williams, Ohio
Wilson, Ill.
Winslow
Wood, Ind.
Woods, Iowa
Woodyard
Young, N. Dak.

NAYS—126.

Abercrombie
Aiken
Alexander
Allen
Almon
Aswell
Barkley
Barnhart
Bell
Booher
Borland
Brumbaugh
Buchanan, Ill.
Buchanan, Tex.
Burke
Burnett
Byrnes, S. C.
Byrnes, Tenn.
Candler, Miss.
Caraway
Clark, Fla.
Collier
Connelly
Cox
Crisp
Crosser
Davis, Minn.
Davis, Tex.
Decker
Dickinson
Dill
Dixon

Doolittle
Doughton
Eagle
Evans
Flood
Gallagher
Gandy
Garner
Garrett
Gordon
Gray, Ind.
Gregg
Griffin
Hamill
Hamlin
Hardy
Harrison, Miss.
Hastings
Hayden
Helm
Helvering
Hensley
Hillard
Houston
Huddleston
Hughes
Hull, Tenn.
Humphreys, Miss.
Jacoway
Jones
Kearns
Kenting

Kettner
Kincheloe
Kitchin
Lee
Leshner
Lever
Lieb
Littlepage
Lloyd
London
McClintic
McLemore
Moon
Morrison
Neely
Nicholls, S. C.
Oldfield
Overmyer
Padgett
Park
Pou
Price
Quin
Rainey
Raker
Randall
Ranch
Rayburn
Reilly
Rouse
Rube
Russell, Mo.

Sears
Shallenberger
Sherwood
Sisson
Slayden
Smith, N. Y.
Smith, Tex.
Stegall
Steele, Iowa
Stephens, Miss.
Stephens, Nebr.
Stephens, Tex.
Summers
Taverner
Taylor, Ark.
Taylor, Colo.
Thomas
Thompson
Tillman
Van Dyke
Vinson
Walker
Watkins
Webb
Whaley
Williams, W. Va.
Wilson, La.
Wingo
Wise
Young, Tex.

ANSWERED "PRESENT"—24.

Ashbrook
Ayres
Bailey
Black
Burgess
Caldwell

Cary
Costello
Dent
Doremus
Foster
Gardner

Harrison, Va.
Helgesen
Hood
Konop
Lindbergh
Miller, Pa.

Murray
Nolan
Saunders
Small
Smith, Minn.
Stedman

NOT VOTING—116.

Adamson
Bacharach
Barchfield
Beakes
Beales
Benedict
Bennet
Blackmon
Britt
Britten
Browne
Browning
Bruckner
Callaway
Cannon
Cantrill
Carow
Carter, Okla.
Casey
Chipfield
Church
Cline
Coleman
Conry
Cooper, Wis.
Cullop
Dale, N. Y.
Darrow
Davenport

Dewalt
Dies
Dooling
Drukker
Edmonds
Edwards
Fairchild
Ferris
Fess
Flynn
Frear
Gard
Glass
Godwin, N. C.
Goodwin, Ark.
Gould
Graham
Gray, Ala.
Griest
Hart
Haskell
Henry
Hicks
Hill
Holland
Hulbert
Husted
Hutchinson
Johnson, Ky.

Johnson, S. Dak.
Kennedy, R. I.
Kent
Kinkaid
Kreider
Lafean
Lewis
Liebel
Linthicum
Lobeck
Loft
Loud
McCulloch
McGillcuddy
McKinley
Maher
Matthews
Miller, Del.
Miller, Minn.
Mooney
Morgan, La.
Mudd
Nelson
Oglesby
Oliver
O'Shaunessy
Page, N. C.
Patten
Phelan

Porter
Ragsdale
Riordan
Rodenberg
Rucker, Ga.
Rucker, Mo.
Russell, Ohio
Sabath
Schall
Scott, Pa.
Scully
Sells
Shackleford
Siegel
Sims
Smith, Idaho
Snell
Sparkman
Steele, Pa.
Stout
Swift
Switzer
Taggart
Tague
Talbot
Tinkham
Vare
Venable
Wilson, Fla.

So the motion of Mr. KING was agreed to.

During the roll call,

Mr. KEARNS. Mr. Speaker, I would like to know what the words are which it is proposed to strike out.

The SPEAKER. The roll call has started and can not be interrupted. The Clerk will proceed with the roll call.

The Clerk resumed and completed the calling of the roll.

The Clerk announced the following pairs:

Until Monday, February 19:

Mr. TALBOTT with Mr. BROWNING.

From February 17 until February 21:

Mr. GODWIN of North Carolina with Mr. TINKHAM.

Until further notice:

Mr. PATTEN with Mr. BENNET.

Mr. RIORDAN with Mr. SMITH of Idaho.

Mr. LINTHICUM with Mr. MUDD.

Mr. SHACKLEFORD with Mr. HILL.

Mr. SCULLY with Mr. MOONEY.

Mr. BEAKES with Mr. COLEMAN.

Mr. DALE of New York with Mr. BENEDICT.

Mr. DAVENPORT with Mr. BACHARACH.

Mr. LOFT with Mr. HASKELL.

Mr. HULBERT with Mr. HUSTED.

Mr. ADAMSON with Mr. BEALES.
 Mr. BLACKMON with Mr. BRITT.
 Mr. BRUCKNER with Mr. BRITTEN.
 Mr. GOODWIN of Arkansas with Mr. BROWNE.
 Mr. CAREW with Mr. CANNON.
 Mr. CANTRILL with Mr. CHIPPERFIELD.
 Mr. CARTER of Oklahoma with Mr. COOPER of Wisconsin.
 Mr. CASEY with Mr. DARROW.
 Mr. CHURCH with Mr. DRUKKER.
 Mr. CLINE with Mr. EDMONDS.
 Mr. CONRY with Mr. FAIRCHILD.
 Mr. HART with Mr. FESS.
 Mr. GRAY of Alabama with Mr. FREAR.
 Mr. DEWALT with Mr. GOULD.
 Mr. DIES with Mr. GRAHAM.
 Mr. DOOLING with Mr. GRIEST.
 Mr. EDWARDS with Mr. HICKS.
 Mr. FERRIS with Mr. VARE.
 Mr. HENRY with Mr. HUTCHINSON.
 Mr. HOLLAND with Mr. JOHNSON of South Dakota.
 Mr. GARD with Mr. KENNEDY of Rhode Island.
 Mr. LIEBEL with Mr. KINKAID.
 Mr. LOBECK with Mr. KREIDER.
 Mr. GLASS with Mr. LAFEAN.
 Mr. MCGILLICUDDY with Mr. LOUD.
 Mr. MAHER with Mr. MCCULLOCH.
 Mr. MORGAN of Louisiana with Mr. MCKINLEY.
 Mr. OGLESBY with Mr. MATTHEWS.
 Mr. OLIVER with Mr. MILLER of Delaware.
 Mr. O'SHAUNESSY with Mr. MILLER of Minnesota.
 Mr. PAGE of North Carolina with Mr. NELSON.
 Mr. RAGSDALE with Mr. PORTER.
 Mr. RUCKER of Georgia with Mr. RODENBERG.
 Mr. SABATH with Mr. RUSSELL of Ohio.
 Mr. SIMS with Mr. SCHALL.
 Mr. SPARKMAN with Mr. SCOTT of Pennsylvania.
 Mr. STEELE of Pennsylvania with Mr. SELLS.
 Mr. STOUT with Mr. SIEGEL.
 Mr. TAGGART with Mr. SNELL.
 Mr. TAGUE with Mr. SWIFT.
 Mr. WILSON of Florida with Mr. SWITZER.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The motion of the gentleman from Illinois to strike out the words of the gentleman from Pennsylvania [Mr. BAILEY] from the RECORD is agreed to. The committee will resume its sitting.

Accordingly the House again resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, with Mr. SAUNDERS in the chair.

Mr. BAILEY. Mr. Chairman—

Mr. MANN. Mr. Chairman, will the gentleman from Pennsylvania permit me, in the middle of his speech, to ask unanimous consent to address the committee for two minutes on a matter entirely unrelated to any of the matters now pending?

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. BAILEY. Certainly, with pleasure.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks two minutes for the purpose indicated. Is there objection? There was no objection.

Mr. MANN. Mr. Chairman, in a sort of a way the House itself is a grandfather. When Genevieve Clark Thompson was married the Members of the House presented her with a very beautiful wedding present. She is now the mother of a son, Champ Clark Thompson. [Applause.] I think it would be very appropriate for the Members of the House, under the circumstances, to give to this grandson of the Speaker and of the House a little present in the form of a cup, a knife, a fork, and a spoon. This morning I had Mr. Shaw bring up to the Capitol, having received them by directions from New York, these implements in gold, and the gentleman from Missouri [Mr. LOYD] and myself, constituting ourselves a committee, went and inspected the articles. If there be no objection from the Members of the House, we ask the Members to contribute voluntarily a dollar apiece. [Applause.] That is in order that we may make this present with the appropriate inscriptions. If there be no objection, we will ask some of the employees of the House to go around to the Members and collect the money. [Applause.] The articles will be displayed before they are sent away.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAILEY] will proceed.

Mr. BAILEY. Mr. Chairman, owing to the very considerable delay that has been occasioned by this tempest in a teapot, and inasmuch as I feel that I have succeeded in making the point that I desired to make, I am going to ask unanimous consent to extend my remarks in the RECORD by printing the remainder of my speech; and I will say that I will modify it in accordance with the expression of the House. [Applause.]

SEVERAL MEMBERS. Go ahead.

Mr. BAILEY. No; I have taken up enough time already. I do not want to delay the public business, and shall not do so if I am given this permission. Otherwise I will—

Mr. MANN. I think no one will object if the gentleman will say that there will be no personalities left in his speech.

Mr. BAILEY. I have stated that I would modify my remarks in accordance with the expression of the House. I would like to say this, however, that I believe the gentleman from Massachusetts [Mr. GARDNER] should likewise agree to modify his remarks. [Applause.]

I want to say this, if the Chair pleases—

Mr. GARDNER. In what respect does the gentleman think I should modify my remarks?

Mr. BAILEY. May I proceed, Mr. Chairman, by reading the language to which I refer?

The CHAIRMAN. If there is no objection.

Mr. BAILEY. I still have time remaining, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania will proceed.

Mr. BAILEY. The gentleman from Massachusetts [Mr. GARDNER] said:

Meanwhile, Mr. Speaker, William Jennings Bryan proposes that we should prepare ourselves to present a united front to the enemy by first tearing the Nation asunder in a political campaign on the question of peace or war. He and his followers, the pacifists—

Of whom I am one, and I am not ashamed in this presence or any other to attest that fact [applause]—

the extreme socialists, and those who place loyalty to Germany above loyalty to America, are engaged in appealing to the cowardice which lurks in every man's breast.

Mr. GARDNER. Let me ask the gentleman if I said or implied in any way that he or any other pacifist placed loyalty to Germany above loyalty to America?

Mr. BAILEY. I think the language was very plain. It seems to me—

Mr. GARDNER. I do not agree with the gentleman. I said:

He and his followers—

That is, Bryan and his followers—

the pacifists—

There are pacifists—

the extreme socialists—

And there are extreme socialists; that is another kind—other followers of Mr. Bryan—

and those who place loyalty to Germany above loyalty to America—

And there are such people in this country. You are not one, because you are not German. There are many Germans— are engaged in appealing to the cowardice which lurks in every man's breast.

If there is any reflection on the House of Representatives I shall cheerfully withdraw it, and if there is any reflection on any Member of the House of Representatives, if the gentleman will tell me where I had any gentleman in my mind when I spoke, I will cheerfully withdraw that; but I surely said nothing about any pacifist except that he was a follower of Mr. Bryan, and that he was appealing to the cowardice which lurks in men's breasts. I do not imply any cowardice on the part of pacifists. I think the gentleman has missed that point.

Mr. BAILEY. As long as I have agreed to modify my remarks, I think the gentleman should agree to modify his.

Mr. GARDNER. Let me point out this distinction to the gentleman: It was the House, by a vote, that cut out the gentleman's remarks. That was not my case.

Mr. BAILEY. Yes; I know.

Mr. HARDY. Mr. Chairman, I would like to ask if the gentleman from Massachusetts would be willing to have a vote taken whether his remarks should go out or not. The inference is perfectly plain that he charges the pacifists with a feeling of cowardice.

Mr. MCKENZIE. Mr. Chairman, the regular order.

The CHAIRMAN. The regular order is demanded. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD, to be modified so as to conform to the rules of the House. Is there objection?

Mr. WINGO. Mr. Chairman, I want to enter my protest against any requests being made in the language in which the

Chair has just stated it. The presumption is that every Member when he extends his remarks will deal fairly with the House and will put in remarks only that are in order.

The CHAIRMAN. The Chair will say to the gentleman that he was stating the request of the gentleman from Pennsylvania exactly in the words used by the gentleman from Pennsylvania.

Mr. WINGO. I am not criticizing the Chair, but I do not want the RECORD, in view of what has just taken place, to contain language so that when a man reads it, not being familiar with what has taken place, he may be misled. It only adds to the criticism of what has already taken place. I am not criticizing the Chair.

The CHAIRMAN. The gentleman would have to ask the gentleman from Pennsylvania to modify his request, then.

Mr. WINGO. I am not asking anybody to do anything. I am entering my protest.

The CHAIRMAN. Does the gentleman object to the request of the gentleman from Pennsylvania?

Mr. WINGO. I do not.

The CHAIRMAN. Then the gentleman is not in order. Is there objection to the request of the gentleman from Pennsylvania?

Mr. JAMES. I object unless it is understood that personalities are cut out of the speech.

The CHAIRMAN. The Chair has stated it as clearly as he can that the gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD, and in that connection to conform his remarks, as far as personalities may be contained in them contrary to the rules of the House, to the rules.

Mr. WINGO. If the request is put in that language, I shall object.

The CHAIRMAN. The gentleman from Arkansas objects to the request of the gentleman from Pennsylvania.

Mr. BAILEY. Mr. Chairman, how much time have I left?

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may be permitted to extend his remarks in the RECORD. I think the House will take what the gentleman from Pennsylvania has said in good faith.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania may extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BAILEY. I thank God for Woodrow Wilson and William Jennings Bryan in this hour of grave peril to republican institutions. I thank God for those men and women all over the land who refuse to bow at the feet of Mars at the call of the war mongers and the traffickers in munitions. I thank God for those really courageous souls who refuse to be silenced by an envenomed press which gets its inspiration from Wall Street and which would crucify every American who dares to plead in this hour of stress and strain for reason to assert herself rather than passion.

Perhaps the gentleman from Massachusetts thinks that it is cowardice which impels me to vote against monstrous appropriations that must impose heavy burdens upon my people. Perhaps he thinks that it is cowardice that has directed me in protesting against compulsory military service. Perhaps he thinks cowardice explains the fact that all my life long I have stood four square against militarism in all its manifestations. Well, he is entitled to his own opinion in this regard. But how much easier would it be for me, Mr. Chairman, "to go along," to run with the mob, to shout with the hurrah boys, to let the tide of war sweep on unchallenged until it should engulf my beloved land and the ideals which have made it precious to every man who has caught the glowing vision of human freedom. Oh, how little is the courage required of the man who falls in behind the tumultuous crowd as it rushes on its reckless way! How little is the courage one must have to meet the call of the jungle. It is the call of civilization that tries. It is the call of humanity that brings the real test. It is the call of justice which applies the acid to our mettle.

I can understand why dogs fight. They know no better. I can understand why the cock sparrow struggles with his rival until he dies. He is governed by his instinct and not by reason. But I can not understand why men fight, because men know better; they have the gift of reason, they know right from wrong, evil from good, justice from injustice. And men have, indeed, ceased to settle their personal differences by appeal to force. They no longer vindicate their honor by killing some one or getting killed. They no longer measure their valor by the number of victims they have sent to the cemetery. And there is none we so much despise to-day as the bully, the bad man, the chap that carries a gun and looks for trouble. We do not honor him. We do not make him the gorgeous and

glittering center of our social life. He does not occupy the chief seat in our synagogues nor the first place at our feasts. No. We send him to jail. We put him on the rock pile. We drive him out of our peaceful communities. We point him out to our children as a horrible example. And we warn the youth of the land against following in his crooked courses.

Yet we magnify the name of the bully when he wears an epaulette and carries a sword. We hail him as a hero and savior. We decorate him with honors and ascribe to him qualities and aspirations that belong to the gods. We place him on a lofty pedestal and invite our children to look up and admire, if not to worship. We make of him an idol before which all the humble and the patriotic must bow if they would escape calumny.

Neither as a citizen nor as a Member of Congress have I reached the pass where anyone can put a gag in my mouth or a seal on my mind. I am still a free man, an American, a citizen, a soldier of the common good, whose only weapon is the sword of truth, whose only defense is the armor of justice. And in this hour of fear and foreboding I do not falter. My faith is unshaken. My courage is that of one who believes that ever the right comes uppermost and ever is justice done. We can go into this war across the waters or we can stay out of it, and it will take a higher courage to stay out of it than to plunge into it at the call of jingoism. We can go into it and help the kings and princes of the Old World in their mad struggle to strengthen their thrones and extend their dominions. We can get into it and underwrite the securities which Wall Street has taken for the billions loaned the allies. We can go into it and sacrifice the fair youth of our land, your boy and mine. We can go into it and fasten on those who shall come after us a burden of debt which will press them down for generations. We may go into it and say that we are doing it to vindicate a right which might be better vindicated by another appeal than to beak and talon. We can get into it and enrich the soil of Europe with our best blood, while casting a shadow over a million American homes. Yes. We can get into it. We can go into it as we might go to a frolic. We can get into it with banners flying and with music working its magic in the heart of the multitude. But we can not go into it without paying the price. We can not go into it without some sacrifice. We can not go into it without leaving something behind which is more precious than any prize it were possible for us to gain in the trenches. We must leave behind American ideals, American hopes, American possibilities of service to a world gone mad with the lust for blood. We can not take these with us into the trenches. We can take with us thither only the things that flourish there, hatreds and jealousies, misunderstandings and brute passions, malevolent spirits and hearts bursting with a desire to slay and destroy. That is what we must take there. We can not take our good offices, our helping hand, our leaves of healing. No. We must go red-handed, imbued with all that war instills into the hearts of its votaries, bent on achieving the ultimate in the destruction of human life and in the laying waste of fair lands and peaceful cities.

Is that what Americans have in mind? Is that their ambition? Is this the inspiration of the present hour? I say not so. I believe the American people are for peace. I believe they love the ideals of the Republic and hate those which jingoism holds up in its mailed hand. I believe that if the voice of the plain people of the Republic could be heard it would call a halt on the madness which would precipitate us into the very vortex of that maelstrom of blood that a world in its blind rage has let loose. And because I believe this and because I feel in my heart of hearts that the higher patriotism calls for counsels of prudence rather than those of passion, I am exerting all my humble influence, not to excite hatreds, not to multiply prejudices, not to suppress the urgings of reason, not to stimulate the grosser impulses, not to hurry the land into a fateful enterprise on a false quest, but to restrain the forces which make for evil, to check impulses which are sweeping Europe to her doom and to appeal to those loftier aspirations which can find fruitage only in peace.

Mr. DENT. Mr. Chairman, I demand the regular order. The order was that at the conclusion of the remarks of the gentleman from Pennsylvania all debate be closed on the paragraph.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Expenses of military observers abroad: For the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign States at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, \$15,000.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. I do this for the purpose of calling the attention of the House to the testimony of Adj. Gen. McCain before the

Committee on Military Affairs in regard to the number of men that have been enlisted. Two or three Members of the House in their remarks have seemed to indicate that they were of the opinion that under the present method adopted enlistments were not up to what was expected. I therefore desire to call the attention of the House to the testimony of Gen. McCain on pages 668 and 671 of the hearings before the Committee on Military Affairs. In that testimony Gen. McCain has stated that the enlistments have been very gratifying since the reorganization under the act of June 3, 1916; that in the month of November the enlistments increased 900 over the month from October, and that throughout the five months since the act has been in effect the record of enlistments in the United States Army show there had been an increase of 2,000 a month. This increase takes into account all the men who have gone out of the Army by reason of death, resignation, and discharge on expiration of service or otherwise. He says further that he is satisfied that the increases will be even greater than that, and by the time of the present fiscal year that the United States Army will have all the men provided for in the national-defense act.

Mr. KEARNS. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. KEARNS. I have noticed in the newspapers within the last few days that since the break with Germany there has been only three men enlisted. Is that true?

Mr. CALDWELL. I have no information on that subject. The rate of enlistment, so far as we have any record, has been 2,024 per month greater than it ever was before.

Mr. KEARNS. I have seen in two different newspapers the same statement, that since the break with Germany there has been only three men enlisted in the Army.

Mr. CALDWELL. I have no information on the subject, but if I can get it I will put it in the RECORD.

Mr. KEARNS. Does this increase of 2,000 the gentleman speaks of include withdrawals?

Mr. CALDWELL. Two thousand over and above all of the withdrawals, deaths, and resignations, and Gen. McCain says that the enlistments during the last two months have been greater than those of the first three months.

Mr. KAHN. If the gentleman from New York will pardon me, it would be practically impossible to get the information that the gentleman from Ohio alludes to, because there are so many recruiting stations all over the country; every one would have to report separately, so you could not get the total enlistments at once.

Mr. CALDWELL. I think the gentleman from Ohio refers to one recruiting station.

Mr. KEARNS. Oh, no; I am speaking about the enlistments in the United States. I read it in two different newspapers.

Mr. KAHN. I think the information is erroneous. It takes the War Department 30 days to get reports in from all the recruiting stations to know how many recruits have been enlisted.

Mr. FIELDS. The papers could not possibly have it correct.

Mr. CALDWELL. The newspapers could not have official information, as a matter of fact. It is impossible, for the War Department does not know.

Mr. KEARNS. Remember, I am not claiming that it is true simply because I saw it in a newspaper.

Mr. CALDWELL. We will try to get the information for the gentleman in the course of the day.

Mr. GARDNER. Mr. Chairman, it all depends on what months you take as your standard of comparison. In December the total enlistment was 4,372—not the gain, but the total enlistments. It is true that the November enlistments were about 1,000 more than in October. The enlistments rose from 2,446 in October to 3,467 in November. However, in July the enlistments numbered 4,342, and they fell off nearly 2,000 by October. I hold in my hand a letter from The Adjutant General, dated January 26, 1917. A copy of it will be found in to-day's RECORD in connection with my remarks of February 15. According to Gen. McCain the actual strength of the entire Regular Army on December 31, 1916, based on the best data obtainable, was 109,959.

Mr. CALDWELL. Mr. Chairman, according to Gen. McCain's testimony, on page 668, before the Military Affairs Committee, there were on the date the gentleman mentions one hundred and twelve thousand and odd instead of 109,000.

Mr. GARDNER. The gentleman may be right, but I will allow him to look over my shoulder at the letter which I hold in my hand. Will the gentleman observe the date, January 26, 1917, and the signature, that of Gen. McCain. He says:

The actual enlisted strength of the entire Regular Army on December 31, 1916, based on the best data now obtainable, is approximately 109,959

Mr. DENT. Mr. Chairman, if the gentleman from New York will permit me, I think the figures to which he refers were based on the date of October 31 last year. It is smaller now than it was then.

Mr. GARDNER. Mr. Chairman, yesterday I telephoned down to The Adjutant General's office and I found that on February 29, 1916, the number of enlisted men altogether was 93,438. I selected the day of February 29 because that was the date of the last enlistment figures before the passage of the joint resolution of March 17, 1916, which aimed to increase the Army by about 20,000 men. That means, in other words, in the 10 months from February 29, 1916, to December 31, 1916, the Army has been increased by 16,521 men. On the average the increase has been at the rate of sixteen hundred and fifty a month.

This letter from Gen. McCain further says:

The authorized strength of the entire Army for the fiscal year ending June 30, 1917, under the provisions of the national-defense act is 133,166 men, not including the enlisted strength, 5,733, of the Philippine Scouts.

Yet we have only 109,959 men, not including the Philippine Scouts. Therefore we are about 23,000 men short by the December figures. You can not get around those figures. To claim that you can enlist these men, and the increase of men due this year, at the present rate of pay in the course of the next year and a half seems to me preposterous.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. HULL of Iowa. Perhaps I can set the House straight in regard to the number of men we are short in the enlistments. I think the gentleman from Massachusetts [Mr. GARDNER] is mistaken. I was in Gen. McCain's office this morning, and I asked him how many he was short. He said he was short only from ten to twelve thousand of the required number that should be in the Army on June 30, and that the enlistments coming in so far this month exceeded any other time in the last year.

Mr. GARDNER. I think the gentleman has misunderstood The Adjutant General.

Mr. HULL of Iowa. I do not think so.

Mr. GARDNER. I think so, because—

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARDNER. What The Adjutant General probably said to the gentleman was that by June 30, 1917, he hoped and calculated that he would be short only about 11,000 men. The fact remains that at the present time he is 23,000 men short, but there are five months coming, and he thinks that if he can gain 2,000 a month that would make him short only about 11,000 by the end of June—

Mr. HULL of Iowa. Will the gentleman go to the telephone and call him up and ask him whether I am wrong?

Mr. ANTHONY. Mr. Chairman, I suggest to the gentleman from Massachusetts that the discrepancy in figures arises from the fact that the gentleman has not taken into consideration that the department is authorized to carry 8,000 unassigned recruits, which are not given credit for in those figures.

Mr. GARDNER. I do give credit for them. I asked especially that question, perfectly aware of the fact that guards at disciplinary barracks, school detachments, disciplinary companies, recruit companies, and unassigned recruits are all extra. I asked especially what was the entire enlisted strength of the whole business, and the General replied on January 26 as follows:

The actual enlisted strength of the entire Regular Army on December 31, 1916, based on the best data now obtainable, is approximately 109,959, not including 5,549 enlisted men of the Philippine Scouts.

There is the figure. We have 109,959. I asked the General a series of questions. I asked him the authorized enlisted strength of the entire Regular Army for the fiscal year ending June 30, 1917. He replied:

The authorized enlisted strength of the entire Army for the fiscal year ending June 30, 1917, under the provisions of the national defense act is 133,166 men, not including the enlisted strength, 5,733, of the Philippine Scouts.

In both cases the Philippine Scouts, between 5,000 and 6,000, are excluded.

Mr. REAVIS. Mr. Chairman, I move to strike out the last two words and ask unanimous consent to proceed for 10 minutes.

Mr. DENT. Mr. Chairman, I have no objection to the request of the gentleman from Nebraska.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. REAVIS. Mr. Chairman, I have somewhat doubted the propriety of Members of Congress speaking on the foreign situation at this time. I should have refrained from doing so myself if it were not for the fact that speeches have been made on this floor during the past several days that I do not think are expressive of the dominant sentiment of the House. We have had one character of speech that seems to be in favor of doing nothing; another character of speech that seems to be in favor of doing everything. I think it would be wise, gentlemen, for Members of this body to take a moment and ascertain just what difficulty confronts this Nation. The appalling conflict on the other side of the sea was instituted without the volition of the United States. We did not start that war. We have no direct and immediate interest in the ultimate issue of that war. There is no belligerent engaged in the war across the water who has designs, so far as surface indications disclose, upon the United States of America. If international law has been violated to our injury, it has not been because the ultimate purpose of England or Germany or any other nation engaged was to injure this country. The injury suffered is merely incidental to the terrific struggle going on between the entente and the central powers. What is the real situation? We have certain rights on the sea to ship, unrestricted, to neutrals, and to ship to belligerents so far as the goods so shipped are not contraband. Those rights have been denied. I wish to say for my part that I am in favor of this Nation defending those rights, but we need not go to war to do so. If we become involved in war; if this body in response to a demand from any source were to pass a declaration of war, we will not accomplish what we desire, which is the freedom of the seas, but we will be adding the influence of our resources, both of life and property, to the accomplishment of what some of the belligerents desire.

If we become a party to this war, we will never get out until it is finished. I believe that the President will ask from Congress the right to enforce an armed neutrality. I believe he has such right without consulting us. There is ample precedent for such course. Twice in the history of the world armed neutrality has been enforced, first, during our revolutionary period in 1780 and again in 1800, and from the action of neutral nations sternly demanding their rights to the sea came the provisions of international law which recognize the right of neutrals to the ocean. None of the nations enforcing those rights became involved in war. I am in favor of either arming our merchantmen or conveying them with our Navy, if need be, to defend the rights which are now denied, and when those rights are obtained I want the United States to be in a position to withdraw. [Applause.] Suppose, on the other hand, we go to war. Suppose we send the youth of America to the blood-drenched fields of Europe to be obedient to the command of a king or a czar, to be the comrade in arms of savages and Hindus, to lay down their lives for a principle which concerns some country not their own. Suppose we send the youth of America to lie stark with white upturned faces upon a foreign battle field, what have we accomplished? Nothing; nothing but to crush the civilization of the world. Gentlemen of this House, in this solemn hour I declare that I will go from this Chamber forever and glory in my going before by my voice or my vote the United States shall unnecessarily become involved in war. [Applause.] The loss of life, the loss of property are comparatively trivial in their consequences. It is the sacrifice of ideals that have controlled America for 150 years. It is the giving up of our exclusive rights to the civilization of this hemisphere; it is becoming a party to the intrigues of Europe; it is sitting about a peace table not only with England, Germany, and France, but with Russia and Japan as well, rearranging the boundary lines of Europe, fixing indemnities, and irretrievably and eternally becoming a party to European affairs. The gentleman from Tennessee [Mr. SIMS] stated that the eventualities as enumerated in the address of the gentleman from Illinois [Mr. MANN] were impossible. There is no man of judgment with the courage to predict where our entrance into this war would carry us. Even as I talk to you in the waning hours of this afternoon, far on the other side of this troubled world the night winds are kissing the folds of Old Glory that was raised over the lonely island in that far away sea as an eventuality of the Spanish-American War, a result that God alone foresaw when the war began. How far we shall go, how far it will take us, no one man can say, and for that reason I favor the cooperation of the United States to the extent of protecting our rights and no further. [Applause.] When that interest is served we may withdraw, not as a belligerent but as a great nation speaking for the neutrals of the world and protecting a common right to the free access and the free use of the highways of nations, the seas. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, the address of

the gentleman from Nebraska is truly inspiring. [Applause.] It is filled with fruitful thoughts, and I am obliged to him for having made it.

I, too, insist that we should assert American rights upon the high seas, and especially in our dealings with neutral countries. I have supported measures in this House, every one of them, I believe, to prepare this country to assert its rights upon the high seas, but I want the rights of the United States upon the high seas asserted against every nation that interferes with or tramples upon those rights. [Applause.]

Mr. REAVIS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. REAVIS. The gentleman did not gather from my remarks that I do not approve of that?

Mr. MOORE of Pennsylvania. No; I approve in the main of everything the gentleman said and congratulate him upon what he did say.

Mr. GARRETT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. But for a question.

Mr. GARRETT. Then I will not interrupt now.

Mr. MOORE of Pennsylvania. I have in my hand a letter just received, which I shall proceed immediately to read:

AMERICAN TRANSATLANTIC CO.,
17 Battery Place, New York, February 13, 1917.

Hon. J. HAMPTON MOORE,
Washington, D. C.

DEAR SIR: Apropos your remarks to the House of Representatives on last Friday condemning the British efforts to embroil our country in war by circulating false reports, we are calling to your attention the illegal actions of the British Government against our property, indicating another instance of its unworthy object to sacrifice American interests to gain its selfish ends.

Of course, I am not the author of this statement. I am reading a letter:

The American Transatlantic Co. is an American corporation, with every officer, director, and stockholder a citizen of the United States, and owning 11 steamers, which were purchased free of all encumbrance from neutral nations, while under neutral flags. There is no foreign interest, direct or indirect, in this company or its ships.

Over a year ago the British Government blacklisted and seized three of our ships while in transit between the United States and South America, carrying coal for American firms. The reason given for the seizures was that citizens of enemy countries were interested in our company. This belief resulted solely from statements of the United States Commissioner of Navigation, Mr. E. T. Chamberlain, which were based solely on unfounded suspicions.

Our ships were rightfully flying the American flag at the time of seizure, and the Department of State has held and sent notes to England stating that the seizures were illegal and that the ships ought to be released, though it declined to say that the ships must be released, giving as a reason that such a demand would mean war with Great Britain.

Contrary to law, the English Government, after seizing the ships, requisitioned them for their own use, and have been using them for over a year without any compensation to us. The three ships represent a market value of \$3,000,000 and the loss of earnings and cost to us represent a like amount. The British claim that the ships are being held for prize-court proceedings. These proceedings have been postponed time and again, and there is no indication that the case will come to trial before the close of the war.

We are giving you this information that you may know of a specific case showing the disposition of the British Government to further its own interests in any way, regardless of international law or the rights and security of American citizens.

Very truly, yours,

R. G. WAGNER, President.

That, it seems to me, is an important statement affecting American rights. I ask some international lawyer in the House who interprets the phrase "the freedom of the seas" whether the United States ships thus involved are entitled to the freedom of the seas? [Applause.] Let them answer in their own time.

I hold in my hand another letter which I hope I may have time to read. It involves American citizens seized upon the high seas and held in virtual captivity on the other side of the water. I have not time to go into details, but will read only the letter of the Secretary of State of the United States in answer to my request for information as to the status of these American citizens who were evidently denied "the freedom of the seas":

DEPARTMENT OF STATE,
Washington, June 16, 1916.

Hon. J. HAMPTON MOORE,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of June 1, 1916, relative to the claims of various American citizens against the British Government growing out of their detention at Falmouth, England, on August 4, 1914, as passengers on the steamships *Prinz Adalbert* and *Kronprinzessin Cecilie*, these claims having been presented to the department by Mr. Theodore Cuyler Patterson, of 2213 Delancey Street, Philadelphia.

In reply I have the honor to say that the department has informed Mr. Patterson on a number of occasions to the effect that it does not consider that it is in a position to press these claims at the present time, and it has pointed out to him that it must determine for itself the time and methods for acting in matters of this kind.

This letter is dated June 16, 1916, 20 months after these American citizens had been taken from the high seas by British officers. The Secretary of State continues:

Respecting your inquiry as to whether the communication addressed by the department to Mr. Patterson under date of April 18, 1916, in

which he was advised in the sense just indicated, should be interpreted to mean that "the department dismisses the claims referred to," and as to whether the department knows of any course these claimants may pursue to obtain redress for their grievances, it may be stated that in no communication addressed to Mr. Patterson has the department indicated any disinclination to give these claims proper consideration at the appropriate time.

Eight months have elapsed. I asked the department only recently for further information, but the situation is in statu quo. But as to the rights of Americans upon the high seas and our asserting those rights, read this additional paragraph.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent for five minutes more in which to read this.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended for five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I will read:

The claimants are, of course, at liberty to institute proceedings in the appropriate British tribunals with a view to obtaining indemnity for the injuries which they allege were suffered by them. In this connection the department may call attention to the principle of international law that a claimant against a foreign Government is not as a general rule entitled to the diplomatic intervention of his own Government until he has exhausted his legal remedies in the tribunals of the country against which he makes the claim. I have the honor to be, sir,
Your obedient servant,

ROBERT LANSING.

These American citizens, within their rights upon the high seas, but on a German ship, were not traveling for the mere purpose of a thrill to the war's agitation upon the other side, but their appeal to their own Government for the assertion of that freedom of the seas of which we boast is met in part by the suggestion, even in the midst of these trying times, that they go over yonder into the tribunals of Great Britain and assert their claims. Oh, ye international lawyers who are determining questions for us in this House, will you please tell me how these American citizens who were denied the right to the free seas by one great Government are to obtain redress?

That is not all. Here is a proposition even more serious as affecting the difficulties we seem bound to get into. I have a letter from an American citizen, one of many, who is endeavoring to do business upon the high seas which we think are free, but which seem now to be "bottled up" against every American ship sailing from an American port, whether it goes into a neutral country or whether it does not. [Applause.] This letter intimates that our boasted freedom of the seas to American shipping to-day means that a ship with American commerce or with the flag attached must first obtain the approval of at least one of the great nations before it can make its destination beyond the 3-mile line. The writer says:

I wanted to call your attention to the humiliating position of the American importers of goods from Great Britain and her possessions. It would take a lengthy correspondence to give you the details.

So you will be able to form an idea as to what I am alluding to. I enclose three blanks. For identification, I have marked them A, B, and C. Before referring to them I desire to call your attention to the conditions under which importers were allowed to import from Great Britain and her possessions. For a time permission was obtained through the British consul general in the principal ports of Boston, New York, and Philadelphia; then the Textile Alliance (Inc.), New York, acting in conjunction with Messrs. Freshfield, London, for account of the British Government, imposed new conditions, and we were compelled to sign various papers and pay tribute to the Textile Alliance of 1 per cent and one-fourth per cent to certain bankers through whom the documents had to be forwarded. Recently the commission paid to the Textile Alliance was reduced to one-half per cent, but the additional commission to the bankers of one-fourth per cent is still imposed.

I will not give the name of the American association, for it might embarrass them in their desire to continue in the importing business.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HILLIARD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. MOORE of Pennsylvania. I hope that I will not use five minutes.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto be concluded at the end of 20 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and amendments thereto be concluded at the end of 20 minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I will read:

Then application was made in writing, and if approved by them, Messrs. Freshfield, or the British Foreign Office, was advised by cable or mail.

Form A. This is a blank recently distributed to both the already approved and new applicants for permission. This virtually gives the representatives of the British Government the right to examine your books and accounts.

Form B. When properly filled out will give the British Government a complete record of the kind of goods you buy, and to whom you sell, whether it be in the United States or in neutral countries.

Form C. One is obliged to fill out this form in making application for permission to import goods from any one of the ports of Great Britain or her colonies, a separate application being necessary in the case of each shipper.

Can you imagine anything more humiliating than an importer of many years standing being obliged to sign such an agreement in order to keep his business, which has been established for many years, going until affairs become in a more normal condition? I claim that countries who are asking so many favors from us should not be permitted to impose on us such arbitrary restrictions if we want to import from their countries.

France is now also imposing restrictions on goods, shipments direct to the United States, but in some cases she is permitting goods to be forwarded to the United States provided they are shipped from her colonies through French or English merchants, the same to the detriment of the American merchants, who import from those places direct.

As you well know, it is very difficult, particularly in times like the present, to obtain positive information of the actions of other governments, whereby they are discriminating against the favored nation, as in the present, but the circumstantial evidence, up to the present, shows that both Great Britain and France are working together to absorb and control the trade of the United States, to the detriment of the American importers and exporters.

I will not read further from this letter.

It is well known to importers and to exporters that no business can be done by merchants in the United States without receiving the approval of the Textile Alliance, incorporated under Great Britain's auspices in New York and in Chicago. These are the conditions that confront American trade at this time. We talk of "the freedom of the seas" as if it were an actual fact. We discuss international law as if it were a real thing, and yet when we attempt to send our people abroad to travel where they please under protection of their American citizenship, we find that they may be taken from ships, with no redress except to go to their captors for justice, and that their commerce may be requisitioned by those who demand it.

We find that cargoes of coal going to pacific South America can be seized and taken into the port of a belligerent, and that the remedy pointed out to the owner of a vessel or of a cargo is to go into the court of the captor to obtain justice. And yet we say that we insist upon the freedom of the seas and that we will fight to maintain it.

Gentlemen of the Congress, we may punish Germany, and for such crimes as she may have committed against our country I trust she may be held accountable; but if we are to preserve our strength as an independent Nation and are to maintain our rights to sail upon the broad ocean as free as if we were traveling over our own country, then we should at least be just enough and neutral enough to maintain those rights against every nation that assails them, whether upon land or sea. [Applause.]

I ask unanimous consent, Mr. Chairman, to insert in the RECORD with these remarks blanks that are apparently sanctioned by the British Embassy and which American merchants are expected to sign before they can obtain the approval of the Textile Alliance to permit American cargoes to go upon the high seas.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks by inserting the matter indicated. Is there objection?

There was no objection.

Following are the blanks referred to:

TEXTILE ALLIANCE BLANKS.

Signed at _____ Date _____

(Attention of Sir Richard Crawford.)

BRITISH EMBASSY,
Washington, D. C.

GENTLEMEN: We hereby make application for our concern to be approved for receipt of British-controlled materials, and hereby certify to the facts below indicated, and guarantee to surrender to you at any time requested the necessary documents to substantiate said facts.

During the two years ending July 1, 1914, the concern known as _____, of the city of _____, State of _____, was in business and (imported _____) (for sale to manufacturers _____) the following imported materials as listed below (and designated by us with an X in the appropriate column), and desires to continue in similar transactions.

	Dealer importers.	Manu- facturing importers.	Purchased from dealer importers.
Hides unfinished.....			
Calfskins.....			
Goatskins.....			
Sheepskins.....			
Horsehide and colt skin.....			
Other raw stock.....			
Sole leather.....			
Upper leather.....			
Other leather.....			
Tanning materials (specify).....			

We desire that the name of our concern be appropriately entered on the British approved list and will thank you for confirmation. We hereby guarantee that, if approved, we will upon written request permit a certified public accountant, mutually appointed by yourself and Mr. Cudworth Beye, to verify from our office records the fact of our carrying out the guaranties we make to you from time to time.

Together with other specific guaranties required of us, we do hereby guarantee, for ourselves and for our concern, that our business will in no way be conducted, directly or indirectly, to advantage the enemies of Great Britain so long as the present war continues.

Two signatures required.

President (or other responsible officer of concern).

Vice President (or other responsible officer of concern).

Secretary (or other responsible officer of concern).

Treasurer (or other responsible officer of concern).

The guaranty in the second paragraph above will give to the embassy merely the opinion of the C. P. A. after his examination and will not give the embassy access to private records, directly or indirectly.

The officers of company designated appeared before me this day of _____, 1916, and swore to the statement herein above as a true and correct record as shown, exact copy of which I will keep on file as long as the war lasts.

Justice of the Peace or Notary.

Term expires _____

[This application in triplicate form.]

No. _____

[Textile Alliance (Inc.), No. 120 Milk Street, Boston; No. 45 East Seventeenth Street, New York.] _____, 1915.

APPLICATION.

A. M. PATTERSON, Esq.,
President Textile Alliance (Inc.).

SIR: We have your Bulletin No. _____, and, pursuant thereto, we hereby request that you have your correspondents abroad assist our agents, as specified below, in securing licenses, if possible, from the British and/or Colonial Governments whereby the kind of merchandise stated below may be shipped by said agents to or through you in the approved manner for our account:

We hereby designate as our agents.	Kind of merchandise to be shipped by said agents.
In Canada _____	_____
In Great Britain _____	_____
In Australia _____	_____
In New Zealand _____	_____
In South Africa _____	_____
In East Africa _____	_____
In Egypt _____	_____
In India _____	_____
In Aden _____	_____
In Cyprus _____	_____
In Nigeria _____	_____
In Persian Gulf district _____	_____

We hereby authorize and empower our said agents, or either of them, on our behalf to execute and deliver such applications, agreements, and undertakings pertaining to the said merchandise as may be requested by the British or Colonial authorities or your correspondents.

In consideration of your labors and the labors of your correspondents and other valuable considerations we hereby agree:

(1) That prior to your releasing such merchandise to us we will enter into such undertakings and agreements as may be required and pay your usual charges.

(2) That you may refuse release to us of any merchandise for our account shipped in your name without license.

(3) That you may, upon request from your correspondents abroad, or any representatives of the British or Colonial Governments, refuse release to us of any merchandise shipped in your name, whether shipped under license or not.

(4) That we will assume all transporting charges, storage charges, and all other charges of whatsoever nature and from whatsoever cause that may accrue against any merchandise from Great Britain or her colonies for our account that may be shipped in your name.

We hereby indemnify and agree to hold harmless the Textile Alliance (Inc.) and A. M. Patterson, individually and as an officer of the alliance, from all liability in connection with the said merchandise or the documents pertaining thereto.

(Signature of applicant.)
Per _____

In the presence of:

Applications by individuals must have the personal signature of the individual.

Applications by firms must have the firm's signature by a member thereof.

Applications by corporations must have the corporate signature by an officer thereof, showing the title of said officer.

Applicants should furnish their banking and trade references in space provided therefor on the back of application.

APPLICATION OF—

Name of applicant _____ Address _____

Articles to be imported _____

REFERENCES.

Name.	Address.	Report (for purposes of Textile Alliance, Inc.).

Remarks _____
Submitted _____
Approved _____
Cabled _____

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HARRISON of Mississippi having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tully, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. POMERENE, Mr. HOLLIS, and Mr. DILLINGHAM as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures.

The message also announced that the Senate had passed the following concurrent resolution without amendment:

House concurrent resolution 75.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 703) entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," the Secretary of the Senate be, and he is hereby, authorized and directed to strike out the "name" and to insert in lieu thereof the words "designate or create," in the third line of the second paragraph of section 5 as the same appears in the conference report on said bill and amendment.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. LONDON. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman can proceed by unanimous consent.

Mr. LONDON. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes, and ask not to be interrupted.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. LONDON. Mr. Chairman, I have been restraining myself for two weeks. I feel that I am now in complete self-control and that I can speak safely.

Let us go to the meat of the situation. A question was asked yesterday of the leader of the minority by the gentleman from Texas [Mr. DIES]. The astute and brilliant leader of the minority, who is always ready to answer any question thrown at him, thought that the question was embarrassing, and declined to answer it. The thing that the gentleman from Illinois did not dare do I should hardly dare attempt, but as I am younger and can afford to be indiscreet, I shall answer that question.

I contend that the question has already been answered by the American people. One of the belligerents has already denied the freedom of the seas to American commerce, and the great masses of the American people have refused to accept the idea of going to war because of that injury to American commerce. The practical and the concrete question to-day is this: Having refused to go to war with one of the belligerents because a part of our commerce has been driven off the seas, shall we go to war with the other belligerent because the rest of our commerce is being threatened? [Applause.] In other words, shall we fight for the privilege of carrying on commerce with the belligerent nations? That commerce, so far as exports are concerned, is confined principally to the business of supplying the belligerents with munitions.

Is there any doubt that the American people will repudiate the war agitation if the question is honestly presented?

I am not very generous to what we Socialists call the "capitalistic class," but I would readily vote hundreds of millions of dollars into the pockets of the munition traffickers rather than let them shed a single drop of American blood.

The kings and rulers of the Old World have so managed it that every one of the belligerent nations in Europe to-day is fighting for something that appeals to sentiment, that appeals to the spiritual man. Poor little Serbia is fighting against extinction. Austria-Hungary seeks national consolidation and an

unobstructed road to the Orient. Germany is struggling against being crushed by powerful enemies that surround her on all sides. Russia, the giant of the East—a giant without lungs, because it has not a warm-water port—seeks a warm-water port, and says that she has entered the combat to help a weaker Slav brother, Serbia. If Italy gets what she has started out for, she will restore to herself her "Italia Irridente," that portion of northern Italy now possessed by Austria. Roumania will get back some of her territory. Every one of those nations, if it wins the war, will have satisfied some national aspiration, some national ideal. Of course the probabilities are that none of them will have anything to show commensurate with the sacrifices made. What national ideal will the United States satisfy by a war? What will the United States have accomplished if it goes to war and wins? It will have established the right of munition makers to sell munitions. That is the only thing that will be established. It will be a war for cash, a war for commerce. It will be a war for the right of the powder barrel, with the American flag on the barrel, giving it the sanctity of the flag and everything that the flag represents.

Why not face the issue fairly and honestly? And if you face that issue fairly and honestly, there can be only one answer—such a war is inconceivable.

There seems to be a great deal of soberness and sanity in this Congress now—a great deal more soberness and sanity than I expected to find, I will say. I hope that will not be stricken from the RECORD. [Laughter and applause.] It is a safe policy to attack people collectively and not individually, because every one takes it as intended for somebody else and is not offended.

It is self-evident that the United States would have exercised a tremendous influence if, in the council of nations, it would act the part of the arbitrator. It would then be the one great neutral power, the one great Republic, the repository of the ideals of democracy and liberty. But the United States as an ally, the United States as a participant in the war, as a sharer in its spoils, will play only such part as will be justified by her contributions to the final result. When you are in the council of nations after the settlement of a war you are strong only to the extent to which you can lick all your partners. It is only when you can say to them, "These are the terms which you shall accept. If you do not accept them, I will lick you all. Take the course I suggest or I am going to fight you all," that you will count. The average American may believe that he can lick the whole world, but he can not. It is not by licking anybody that America has become what she is to-day. We have made progress because we have developed as a peaceful Nation, engaged in peaceful pursuits, promoting democracy, and to me America is so dear not only for the things that she has accomplished but for the great promise for the future that America holds out to the world. [Applause.] I do not hesitate to declare my faith and my hope in the greatness and glory of America as long as she pursues her ideals. [Applause.]

Gentlemen, I hope we will not be swept off our feet. I have a great admiration for the President of the United States, but I fear that slogan, "Stand by the President." It is a dangerous battle cry when the people cease to be a people and become a mob. "Stand by the President" means a great deal when the President is right. "Stand by the President" is a dangerous slogan when the President is in error. It is a mighty dangerous thing to permit Congress to drift into a state of mind where one man can sweep you off your feet. I call for the greatest exercise of freedom of thought, of speech, and of discussion, and the most earnest application to the problem which confronts us. I am glad that the Congress of the United States is seriously discussing this problem and that we are preparing ourselves to act as sensible men should act in a great crisis. When the framers of the Constitution vested Congress with the power to declare war they did not intend that Congress should in a perfunctory way go through the ceremony of declaring war upon somebody's suggestion. The right to declare war means the right to refuse to declare war. It involves deliberation, study, analysis, the searching of one's conscience, the calling into action of all our mental powers. And if there ever was a time when every Member of Congress should be free and strong and independent, this is the time. [Applause.]

I hope, gentlemen, that we shall be spared the horrors of the conflict. I hope that we will stand by our fundamental principles, Germany is now threatening a portion of our commerce. Germany has violated fundamental principles, not only of international law but of that law which is more sacred than all the textbooks that have ever been compiled by quibbling lawyers. When Germany invaded Belgium, when Germany proceeded to deport the civilian population of Belgium, when Germany sunk the helpless women and children on the *Lusitania*, she committed a crime against civilization, against humanity. We did not fight then,

but now when business is injured people talk of the possibility of war.

Mr. KELLEY. Will the gentleman yield?

Mr. LONDON. I yield to the gentleman.

Mr. KELLEY. Is it the gentleman's understanding that the President severed diplomatic relations with Germany because of commercial reasons?

Mr. LONDON. We are confronted now with an accomplished fact. I opposed the severance of diplomatic relations during the discussion of the McLemore resolution. I do not want to criticize the President for what he has already done. He has severed diplomatic relations with Germany. He has not severed diplomatic relations with England for various violations of neutral rights.

How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has five minutes.

Mr. LONDON. Then I can answer the question. I do not forget the fundamental difference between the German situation and the British situation. I like to face facts squarely and speak honestly; if a man can not afford to speak honestly there is no use talking at all, and if a Socialist should not be honest, who would be? [Laughter.] England has accomplished her blockade, and England has deprived the United States and other neutral powers of the freedom of the seas by what has heretofore been recognized more or less as a civilized method of doing things. Germany is striving to obtain the same result by means of the submarine, which threatens human life. That is the fundamental distinction, and it is because of this fundamental distinction that the President said to Germany, "We can not do business with you. You disregard fundamental rights of humanity. You throw away human life ruthlessly, cruelly, without compunction. We can not do any business with you." Whether he was wise or not is immaterial. So far as the great masses of the American people are concerned, so far as the question of war or peace is involved, the question reduces itself to this, Shall we submit to the blockade of England? Shall we not submit to the blockade instituted by Germany? The question of method affects only a small number of individuals. The method pursued by Germany threatens a small number of individuals who engage in that traffic and who find themselves within the war zone. So far as the right to the freedom of the seas is concerned, both belligerents disregard our rights. Is not that so?

Mr. CALDWELL. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. CALDWELL. Does not the gentleman make a distinction—understand, now, I am taking no part in it, but I want to bring this out—

Mr. LONDON. You have a right to take a part, and ought not to be afraid to take a part.

Mr. CALDWELL. The point I want to get is, Does the gentleman make any distinction between the violation of an international right where human life is involved, and where only property is involved?

Mr. LONDON. Why, of course I draw that distinction. I said so. I started out with that; but so far as the great masses of the American people are concerned it is purely a question to what extent their commerce will be injured.

Mr. SHALLENBERGER. Does the gentleman mean to maintain that if an American ship is sunk now with Americans on board and American lives are lost by the action of Germany to maintain her blockade, that that presents the same sort of a situation to this country as when England seized our ships on the sea without the loss of human life?

Mr. LONDON. No; it presents a more difficult problem. There is no doubt about that. But do not forget, please, that those lives will be lost after warning has been given not to enter the war zone. If American lives are lost when you get within the range of the guns fired from the walls of a belligerent fortress, you have no complaint. That is what it amounts to. Germany has now surrounded the British Isles by guns which have a longer range than the guns she had before. That is the practical proposition. If you are not within the war zone, your life is not in danger.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Clerk read as follows:

United States service schools: To provide means for the theoretical and practical instruction at the Army service schools (including the Army Staff College, the Army School of the Line, the Army Field Engineer School, the Army Field Service and Correspondence School for Medical Officers, and the Army Signal School) at Fort Leavenworth, Kans., the Mounted Service School, at Fort Riley, Kans., and the School of Fire for Field Artillery and for the School of Musketry, at Fort Sill, Okla., by the purchase of textbooks, books of reference, scientific and professional papers, the purchase of modern instruments and material for theoretical and practical instruction, employment of temporary, technical, or special services, and for all other absolutely necessary ex-

penses, to be allotted in such proportion as may, in the opinion of the Secretary of War, be for the best interests of the military service. Not exceeding \$100 per month may be used for the payment of one translator, to be appointed by the commandant of the Army service schools with the approval of the Secretary of War, \$35,350: *Provided*, That officers in the grade of second lieutenant in the Field Artillery may be assigned, for the period of one year, to batteries stationed at the School of Fire for Field Artillery at Fort Sill, Okla., for the purpose of pursuing courses of practical instruction in field artillery.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word and asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. DENT. Reserving the right to object, I would like to ask if there are any other gentlemen who want time on this paragraph?

Mr. PLATT. I would like to have 10 minutes.

Mr. GARRETT. I would like to have 10 minutes.

Mr. FOCHT. I want a little time.

Mr. DENT. Mr. Chairman, I ask unanimous consent that after 30 minutes all debate on this paragraph and amendments thereto be concluded. I want to say that I think I have been pretty liberal and fair with the committee on this proposition, and I hope that after this we will go on and read the items in the bill.

The CHAIRMAN. Does the gentleman's request include a desire that the Chair shall recognize the gentlemen who have asked for time?

Mr. DENT. It does.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the paragraph and all amendments thereto terminate in 30 minutes, the Chair to recognize certain gentlemen in the division of the time. Is there objection? There was no objection.

Mr. LENROOT. Mr. Chairman, for once we seem to find the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from New York [Mr. LONDON] in absolute accord; for, as I gather from their arguments, they take the position that if Congress shall be called upon to take any action in this present international crisis, that because the executive branch of this Government has failed to maintain our rights against England with reference to property rights, we should refuse to vote to maintain our rights against Germany involving human life.

Mr. Chairman, Congress can not excuse itself from the performance of its duty, if called upon, by pointing to the dereliction, if there be dereliction, of the executive branch of this Government in another case. [Applause.]

Mr. Chairman, in the present crisis with Germany I have felt that the best service a Member of Congress could render his country was to refrain from discussing the matter on the floor until we were called upon to take some action. Unfortunately that has not been done, and extremists on both sides have been freely expressing their opinions until there is a very general belief throughout the country that if Congress is called upon to act at all it will choose between a general declaration of war against Germany, intervening in the European war, and a position that, whatever the provocation may be, we will under no circumstances defend our rights with force.

Believing, as I do, that neither of these positions correctly interprets the position of Congress, the President, or the American people, I think it proper now to give expression to what I believe is the dominant sentiment of the House at this time. I have no authority to speak for anyone but myself, but in conversation with my colleagues I find a very general sentiment in agreement with my own views.

In severing diplomatic relations with Germany the President did only his duty. [Applause.] To have done less would have forfeited any respect the world still had left for us. [Applause.]

By her own admission Germany has made herself an outlaw. She does not pretend that her act which was the cause of the breach can be justified by international law. She asserts that she will sink without warning neutral ships and destroy neutral lives within specified zones. In the case of other neutrals she has actually done so. Any day may bring the news of destruction of American ships and American lives in admitted violation of international law and of the laws of humanity.

If I understand the views expressed by some gentlemen, if this shall come to pass, we must do nothing; that no matter what the provocation may be, under no circumstances must we defend our rights with force. If this is to be the attitude of Congress and the American people, then the days of this Republic are numbered. [Applause.] We will no longer be a Nation, for any people too cowardly to fight for their liberty upon the sea, if need be, will be too cowardly to fight for their liberty upon the land. But, Mr. Chairman, that is not the spirit of the Amer-

ican people, and when the time comes that will not be the spirit of this Congress. Representing the great American people here, we will vote to maintain by force, if need be, our liberties upon the sea; but that does not mean that we will vote a general declaration of war against Germany; it does not mean that we will intervene in the European war; it does not mean that we will send our men to the trenches of Europe; it does not mean that we are to sit in and determine the terms of settlement of European questions. It means only that we are going to settle our difficulty with Germany by compelling her to respect our rights upon the sea. [Applause.] If war must come, it will be a war upon the sea, destroying every German submarine that we can and protecting our own ships until such time as Germany shall cease to be an outlaw upon the sea. When Germany shall again respect our rights our quarrel with her will be over and we will be ready to make peace with her regardless of European nations or European quarrels. [Applause.]

I believe the American people and this Congress will stand for this policy, and that those who would drag us into this world war for reasons other than maintaining our own rights, and those who are for peace at any price, together, constitute a very small minority.

Mr. Chairman, when the contest upon the McLemore resolution arose last year I was against the President, because I believed he was wrong, because I was unwilling to commit myself to the use of force to maintain what the President had himself denominated a doubtful legal right. I never will vote to use force to maintain a doubtful legal right; but there is no doubt about the questions involved in this crisis. They are admitted wrongs, and the only question is whether we shall submit to them without any further effort to correct them.

If we are called upon to act in this matter, it will be the most solemn responsibility ever laid or to be laid upon any of us. If any Member in that hour is influenced in the least degree by party politics, by prejudice, by sympathy for either side in the European war, he will be untrue to the oath of office he has taken here. If ever in our lives we should be American citizens only, it will be then.

I am not so greatly alarmed about possible trouble with Germany as I am about a divided country here. Divisions now may not only prevent a peaceful settlement of our quarrel with Germany but may result in disorder within our own borders, with consequences much more serious than war with any foreign power.

The propaganda now going on throughout the country to avoid war at any cost is a greater peril to the Republic than war with Germany would be. [Applause.] The proposition for a war referendum is likewise a great peril. Suppose at this time a referendum was held; suppose 10,000,000 votes were cast, 5,100,000 for war and 4,900,000 against. If war was declared on that vote, does it require a prophet to foresee possible civil war among ourselves? Or suppose 4,900,000 voted for war and 5,100,000 against, and we refuse then to exercise force to maintain our rights, how long would it be before we would have no place upon the seas anywhere—England with impunity shutting us out when to her advantage, and Germany doing likewise when to her profit?

We each have duties and responsibilities here which we can delegate to no one, chief among which is to do that which will best preserve those liberties which the fathers of the Republic gained for us, and preserve this Union which we have each sworn to support. [Applause.]

Mr. GARRETT. Mr. Chairman, every time throughout the European war that the House of Representatives has officially or by utterance of its membership thrust itself into the problems of the war it has, in my opinion, brought this country nearer to the danger zone. I myself have never discussed the issues of the war or anything pertaining to the European war save upon one occasion, when official duty rendered it necessary—the McLemore resolution being called up for action.

I violate no confidence when I say to this House that the hours just before the action on the McLemore resolution were the darkest hours which the diplomatic branch of this Government has passed through since the present European war began.

I do not rise in any spirit of criticism of gentlemen who have seen fit to so extensively discuss this matter, although I can not but feel that these expressions, or many of them, have been extremely unwise and have been detrimental, not with any bad intention on the part of the utterers, of course, to the best interests of the peace of this country. [Applause.]

Now, Mr. Chairman, if I may be permitted, I shall in this hour, when the House is calm, recall to the membership here the official utterance of the President of the United States. The suggestions so well and so pertinently made by the gentleman from Nebraska [Mr. REAVIS] a while ago are in line with this

official utterance. Such speeches as that made by the gentleman from Nebraska are not subject to the criticism that they injure the peace of the country.

I think it is well to read this now, because I think there are many Members of this House even who have lost sight of what the real issue is and what the President really said. It is perhaps not remarkable that much of the press of the country appears to have lost sight of it. It is not at all strange that the multiplied thousands of private citizens in the country have lost sight of it, but surely it is inexcusable that Members of this body, likely at any time to have the responsibility thrust upon them to act, should lose sight of the issue and drag into the discussion extraneous matter—that is, matter extraneous to the one purpose expressed before us by the Chief Executive of the Government. I shall not undertake to interpret the language; it would not be proper and it is not necessary, because the language interprets itself. I read from the address of the President delivered at a joint session of the Senate and House on February 3:

Notwithstanding this unexpected action of the German Government, this sudden and deeply deplorable renunciation of its assurances, given this Government at one of the most critical moments of tension in the relations of the two Governments, I refuse to believe that it is the intention of the German authorities to do in fact what they have warned us they will feel at liberty to do. I can not bring myself to believe that they will indeed pay no regard to the ancient friendship between their people and our own or to the solemn obligations which have been exchanged between them and destroy American ships and take the lives of American citizens in the willful prosecution of the ruthless naval program they have announced their intention to adopt. Only actual overt acts on their part can make me believe it even now.

If this inveterate confidence on my part in the sobriety and prudent foresight of their purpose should unhappily prove unfounded; if American ships and American lives should in fact be sacrificed by their naval commanders in heedless contravention of the just and reasonable understandings of international law and the obvious dictates of humanity, I shall take the liberty of coming again before the Congress, to ask that authority be given me to use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high seas. I can do nothing less.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended.

Mr. GARRETT. Mr. Chairman, I will say to the gentleman from Alabama that the time has been limited by unanimous consent. I do not want to ask for any more myself, but I will appreciate it if some gentleman who is to be recognized will be good enough to grant me two minutes of his time.

Mr. PLATT. Mr. Chairman, I will grant the gentleman two minutes of my time.

Mr. GARRETT. I thank the gentleman. Mr. Chairman, I have read this simply to show the full extent to which the President has gone. No utterance of the President has suggested war except as it might follow incidentally. What the President has said he and his administration are entitled to be measured by. Public sentiment must be and ought to be consulted, but that sentiment should be formed from an exact knowledge of the issue presented.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. LONDON. Does the gentleman object to free exchange of opinion upon the subject so as to reach a clear understanding of the situation?

Mr. GARRETT. I do not like to say that I do, but I will say that in my opinion if the McLemore resolution had passed the House of Representatives, or after it had reached a certain stage, if it had not been called up and laid on the table this country would have been at war months and months ago, and my further impression is that there is nothing which will so unerringly and certainly lead toward the preservation of peaceful relations between this country and Germany at the present time under the great tension which exists as will a refraining on the part of gentlemen here in the war-declaring body from intemperate utterances upon this question. [Applause.]

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. DAVIS of Texas. The gentleman presents a serious question to me. Is it not a fact that our Government warned our people out of the war zone in Mexico, regardless of our rights to trade?

Mr. GARRETT. Mr. Chairman, I hope the gentleman will not try to carry me into that discussion. That is a case which stood upon its own bottom. We are dealing now with a situation more tense than any with which the present membership of this House has ever been called upon to deal, and there rests upon us, and I feel it, the gravest responsibility of our lives. I am extremely

anxious that we shall be duly circumspect in the matter. [Applause.]

Mr. PLATT rose.

The CHAIRMAN (Mr. DECKER). Was the gentleman from New York one of those to be recognized under the unanimous-consent agreement?

Mr. PLATT. Yes.

The CHAIRMAN. The Chair will recognize the gentleman from New York.

Mr. MANN. Was not the gentleman from Pennsylvania to be recognized?

Mr. FOCHT. Yes.

Mr. MANN. I do not think the gentleman from Tennessee was to have 10 minutes under the arrangement.

Mr. FOCHT. I want only five minutes.

Mr. MANN. It will be easy enough to correct it.

Mr. PLATT. Mr. Chairman, I agree in general with what the gentleman from Wisconsin [Mr. LENROOT] so well said as to what we could do to fully protect our rights on the high seas without going further into the European war than necessary to protect those rights. I have introduced into the House three bills to carry out just exactly what the gentleman from Wisconsin advocated, and those three bills were once laws of the United States. They were laws that were passed by the Fifth Congress, in the spring and summer of 1798, at a time when the United States of America had a population of only 5,000,000 people. The controversy at that time was almost identically the same as the present controversy. There were no submarines in those days, to be sure, in 1798, but war vessels used to sneak up on merchant vessels under cover of neutral flags and fire upon them, which amounts to practically the same thing as an attack without warning. They sought to capture them rather than to sink them, it is true, and they took on board the crews of the captured vessels, so the practice of those days was by no means so inhuman as the German submarine practice of to-day. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD by inserting these three short bills.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PLATT. Mr. Chairman, I wonder if gentlemen have looked into just what was done by the United States in 1798. England and France were at war with each other. Both nations were interfering with the rights of neutrals on the seas as at present, but the French were doing the most damage at that time, and antagonism was aroused chiefly against France, so that our action was taken against France and not against England. One of these laws authorized American merchantmen to arm for defense. Another one shut off all commercial intercourse with France and provided that no ship leaving the United States under any circumstances should go directly or indirectly to France or to any French dependency or trade with anyone resident in France. I have taken that law and copied it almost word for word, substituting the word "Germany" for the word "France." If passed now, it will shut off all commercial intercourse with Germany and will prevent any further disputes with England.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Not at present.

Mr. STAFFORD. Right on that point—

Mr. PLATT. The third law authorized war vessels of America to go out upon the high seas and capture French war vessels or armed vessels wherever found, and substituting the word "German" for the word "French" this bill would give our Navy absolute right to-day to go out and capture or sink German submarines or cruisers wherever they may be found. That is what we did in 1798, when we were a little nation of 5,000,000 people, and surely we can not be afraid to do the same thing to protect our rights now when we are a nation of 100,000,000 people. If we are, are not we justly subject to the charge of cowardice? How can anybody hold otherwise? In these bills I have left out obsolete matter, such as the authorization of privateers, which is, of course, no longer allowed, and a few other things of that sort, but, generally speaking, the bills are word for word as passed by the Fifth Congress in 1798 with the word "France" stricken out and the word "Germany" put in its place.

We could do to-day just exactly what we did then. We did not declare war against France. We did not even formally break off diplomatic relations with France. We had no minister in France at that time it is true, and there was no French minister here, but there was no formal rupture of diplomatic relations. We were nominally neutral, although we went on the high seas and captured or sunk 84 armed French vessels and had two or three fights between frigates, the battleships of that day, that are famous in the annals of the American Navy, nota-

bly the fight between the *Constellation* and the *Insurgente*, which we captured.

Mr. BAILEY. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PLATT. I had 10 minutes.

The CHAIRMAN (Mr. DECKER). The Chair will say to the gentleman there is a mistake in regard to the allotment of time. The gentleman's name is not here, and the present occupant of the chair took the liberty of recognizing him.

Mr. FIELDS. The gentleman from New York [Mr. PLATT] was allowed 10 minutes.

The CHAIRMAN. The Chair will recognize the gentleman for five minutes more.

Mr. PLATT. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. When the gentleman was referring to the second bill that he had introduced he said it provided for a cessation of commercial intercourse with Germany, and I want to inquire whether our people have any commercial intercourse with Germany, or have had for two years past?

Mr. PLATT. I think there is still a certain amount of trade with Germany, directly or indirectly.

Mr. STAFFORD. Is it in the air or in fact?

Mr. PLATT. It is water-borne commerce through neutral countries. It has not been entirely shut off. Right in that connection I want to refer to the letters read a few minutes ago by the gentleman from Pennsylvania [Mr. MOORE], letters protesting the shutting off of American commerce going to Germany. He read particularly a statement that Mr. Secretary Lansing had said that the State Department could not act until remedies before the courts in Great Britain had been first tried. I wonder if the gentleman knows that in our own Civil War we did exactly what England is doing now, or almost exactly. We picked up the British ship *Peterhof* off the island of St. Thomas, 1,000 miles away, going to the city of Matamorás, Mexico, a neutral port, and we sent her under a prize crew to New York, and the lower court, the district court, condemned the vessel as a prize, although it was an English vessel, a neutral vessel, going from one neutral port to another neutral port. The *Peterhof* was condemned as a prize by the lower court of New York. We also picked up the ship *Springbok*, going from one English port to another English port—Nassau, Bahama Islands. We sent that ship under a prize crew to New York, and the lower court condemned it as a prize on the theory that the goods in it were destined to the Southern Confederacy. Now, then, we have heard the gentleman from Ohio [Mr. FESS] talk about what the Supreme Court decisions were in both of those cases. The owners of this vessel appealed to the British foreign office, just exactly as the case the gentleman from Pennsylvania [Mr. MOORE] referred to, and asked the foreign office to make violent protest to the American Government, but Lord Russell, the English foreign secretary, said to the owners of those vessels, "You have got to try your remedies in the courts of the United States first." There was then an appeal to the Supreme Court, and in both of those cases the Supreme Court overruled the decision of the lower court and the vessels were set free. But when? There is the crux of the whole situation, as far as our case with England goes. These vessels were captured in February, 1863, and they were set free in 1866, a year after the war was over.

Now, that is what England is doing. She is not going as far as we did. She is not condemning these vessels, as a rule, that are captured at sea, but she is simply taking them into port and paying for the cargoes, perhaps not the price the people expected to get, but at fair prices. The shippers are taking money from the English and have not much of a case left. There have been some condemnations, I believe, of goods consigned directly to German ports, and there are many cases pending in British courts. We undoubtedly are entitled to damages, I think, in many of these cases, but England's acts in enforcing her blockade form no justification for the destruction of ships and of human life by the German submarines.

Mr. Chairman, in introducing the bills which would give the President authority to put a stop to the illegal and inhuman German submarine operations without declaring war, I do not mean to imply that I shall not support him if he shall decide to go further. I shall support with my whole energy any adequate measures which the President may recommend for ending the present intolerable situation. The bills referred to are as follows:

A bill (H. R. 20939) to suspend commercial intercourse between the United States and the German Empire.

Be it enacted, etc., That no ship or vessel owned, hired, or employed wholly or in part by any person resident within the United States shall hereafter be allowed to proceed directly or from any intermediate port or place to any port or place within the territory of the German Empire or the dependencies thereof, or shall be employed in any traffic or com-

merce with, or for any person resident within the jurisdiction, or under the authority of the German Empire. And if any ship or vessel in any voyage hereafter commencing, and before her return within the United States, shall be voluntarily carried, or suffered to proceed, to any German port or place as aforesaid, contrary to the intent hereof, every ship or vessel, together with her cargo, shall be forfeited and shall accrue to the United States and shall be liable to be seized, prosecuted, and condemned in any circuit or district court of the United States.

Sec. 2. That hereafter no clearance for a foreign voyage shall be granted to any ship or vessel owned, hired, or employed wholly or in part by any person resident within the United States, until a bond shall be given to the use of the United States, wherein the owner or employer, if usually resident or present, where the clearance shall be required, and otherwise his agent or factor, and the master or captain of such vessel for the intended voyage shall be parties, in a sum equal to the value of the ship or vessel and her cargo, with condition that the same shall not, during her intended voyage, or before her return within the United States, proceed or be carried, directly or indirectly, to any port or place within the territory of the German Empire or the dependencies thereof, unless by distress of weather, or by actual force or violence, to be fully proved and manifested before the acquittance of such bond; and that such vessel is not, and shall not be employed during her intended voyage, or before her return, as aforesaid, in any traffic or commerce direct or indirect, with or for any person resident within the territory of the empire above mentioned or any of its dependencies.

Sec. 3. That from and after due notice of the passing of this act, no German ship or vessel, armed or unarmed, commissioned by or for, or under the authority of the German Empire, or owned, fitted, hired or employed by any persons resident within the territory of the German Empire, or any of its dependencies, or sailing or coming therefrom, shall be allowed an entry, or to remain within the territory of the United States unless driven there by distress of weather or in want of provisions. And if contrary to the intent hereof any such ship or vessel shall be found within the jurisdictional limits of the United States, not being liable to seizure for any other cause, the company having charge thereof shall be required to depart and carry away the same without unnecessary delay; and if they shall notwithstanding remain, it shall be the duty of the collector of the district, wherein and nearest to which such ship or vessel shall be, to seize and detain the same: *Provided*, That any ship or vessel so seized or detained may be taken temporarily into the service of the United States, or may be chartered to any responsible citizen or citizens of the United States engaged in the carrying trade on the high seas: *Provided*, That if, before the next session of Congress, the Governments of the German Empire and all persons acting under or by its authority shall clearly disavow and shall be found to refrain from the aggressions, depredations, and hostilities, and the threats of aggressions, depredations, and hostilities which have been and are encouraged and maintained against the vessels and the citizens of the United States, lawfully traveling or employed upon the merchant vessels of any nation, and against their national rights and sovereignty, in violation of the laws of nations, then and thereupon it shall be lawful for the President of the United States, being well ascertained of the premises, to remit and discontinue the prohibition and restraints hereby enacted and declared, and he shall be, and is hereby, authorized to make proclamation thereof accordingly.

A bill (H. R. 20938) to protect the commerce of the United States.

Be it enacted, etc., That the President of the United States shall be, and he is hereby, authorized to instruct the commanders of the public armed vessels which are or which shall be employed in the service of the United States to subdue, seize, or take any armed German vessel which shall be found within the jurisdictional limits of the United States, or elsewhere, on the high seas; and such captured vessel, with her apparel, guns, and appurtenances, and the goods or effects which shall be found on board the same, being German property, shall be brought within some port of the United States and shall be duly proceeded against and condemned as forfeited, and shall accrue and be distributed as by law is or shall be provided respecting the captures which shall be made by the public armed vessels of the United States.

Sec. 2. That all German persons and others who shall be found acting on board any German armed vessel which shall be captured, or on board of any vessel of the United States which shall be recaptured, shall be reported to the collector of the port in which they shall first arrive, and shall be delivered to the custody of the marshal or of some civil or military officer of the United States, or of any State in or near such port, who shall take charge of their safe-keeping and support, at the expense of the United States.

A bill (H. R. 20940) to authorize the defense of the merchant vessels of the United States against German depredations.

Be it enacted, etc., That the commander and crew of any merchant vessel of the United States, owned wholly by a citizen or citizens thereof may oppose and defend against any search, restraint, or seizure which shall be attempted upon such vessel, or upon any other vessel, owned, as aforesaid, by the commander or crew of any armed vessel sailing under German colors, or acting, or pretending to act, by, or under the authority of the German Empire; and may repel by force any assault or hostility which shall be made or committed or threatened on the part of such German, or pretended German, vessel pursuing such attempt, and may subdue and capture the same; and may also retake any vessel owned, as aforesaid, which may have been captured by any vessel sailing under German colors, or acting, or pretending to act, by, or under authority from the German Empire.

Sec. 2. That after notice of this act at the several customhouses no armed merchant vessel of the United States shall receive a clearance or permit, or shall be suffered to depart therefrom, unless the owner or owners and the master or commander of such vessel for the intended voyage shall give bond, to the use of the United States in a sum equal to double the value of such vessel, with condition that such vessel shall not make or commit any depredation, outrage, unlawful assault, or unprovoked violence upon the high seas against the vessel of any nation in amity with the United States; and that the guns, arms, and ammunition of such vessel shall be returned within the United States or otherwise accounted for, and shall not be sold or disposed of in any foreign port or place; and that such owner or owners and the commander and crew of such merchant vessel shall in all things observe and perform such further instructions in the premises as the President of the United States shall establish and order for the better government of the armed merchant vessels of the United States.

Sec. 3. That the President of the United States shall be, and he is hereby, authorized to establish and order suitable instructions to, and for, the armed merchant vessels of the United States, for the better governing and restraining the commanders and crews who shall be employed therein, and to prevent any outrage, cruelty, or injury which they may be disposed to commit, a copy of which instructions shall be delivered by the collector of the customs to the commander of such vessel, when he shall give bond, as aforesaid. And it shall be the duty of the owner or owners and commander and crew, for the time being, of such armed merchant vessel of the United States, at each return to any port of the United States, to make report to the collector thereof of any encounter which shall have happened with any foreign vessel, and of the state of the company and crew of any vessel which they shall have subdued or captured; and the persons of such crew or company shall be delivered to the care of such collector, who, with the aid of the marshal of the same district, or the nearest military officer of the United States, or of the civil or military officers of any State, shall take suitable care for the restraint, preservation, and comfort of such persons at the expense of the United States until the pleasure of the President of the United States shall be known concerning them.

Sec. 4. That this act shall continue and be in force for the term of one year, and until the end of the next session of Congress thereafter: *Provided*, That whenever the Government of Germany, and all persons acting by or under their authority, shall disavow, and shall cause the commanders and crews of all armed German vessels to refrain from the lawless depredations and outrages hitherto encouraged and authorized by that Government against the merchant vessels of the United States, and shall cause the laws of nations to be observed by the said armed German vessels, the President of the United States shall be, and he is hereby, authorized to instruct the commanders and crews of the merchant vessels of the United States to submit to any regular search by the commanders or crews of German vessels, and to refrain from any force or capture to be exercised by virtue hereof.

Mr. FOCHT. Mr. Chairman, I desire to ask for how long a time I am recognized?

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. FOCHT. Mr. Chairman, I desire to ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. FOCHT. Mr. Chairman, I to a great extent agree with what has been said by my friend from Tennessee [Mr. GARRETT] with regard to dealing with this grave question. And yet since we are the war-making body, if there is to be war, we should have a clear, definite, comprehensive idea as to what the people of the country want, and we should know the views of each other. Therefore we must discuss this question, and discuss it freely, but fairly and dispassionately. I believe those wise forefathers who made the Constitution made it designedly to meet just such an exigency as this, and they meant that we should discuss this question of war, and of all things a war with a foreign power, and of all things again, my friends, certainly discuss this situation, since war, if it does come, will be as the ally of some dynasty of Europe and not wholly one of self-defense. Our sacred duty was clearly and lucidly set forth in the immortal speech delivered by George Washington in his Farewell Address, wherein warning against "entangling foreign alliances" constituted a large part of that mighty deliverance.

I have just 10 minutes in which to reply to some assertions that have been made on this floor, and many of them should not go unchallenged. I know it is pretty hard for any man who has been here listening to these speeches, many of them brilliant and comprehensive, and delivered by really profound American statesmen, without forming some idea of what action ought to be taken or where one stands, or, in fact, becoming partial to one side or the other.

I am afraid that those excesses of speech which the gentleman from Tennessee [Mr. GARRETT] referred to have been indulged in too freely on the floor of this House. I do not believe that personalities should be a part of the discussion of this great question. If any Members want to have a personal controversy, let them go outside. But just a while ago, during the debate of the question of the neutrality rights of this country and the manner in which our neutrality and the neutrality of other nations is treated by Great Britain, one of my dearest young friends of all my years of public life, who has made a worthy name in Pennsylvania, and to whom some day there will be erected a monument of sculptured marble, I am afraid labored under a misapprehension when he scoffed at the idea of the interference by England with American commerce with neutral nations.

I do not have time just now to pay much attention to what is said in the newspaper press, but I want to say to you here, my friends, in all fairness and candor, that my young friend from Pennsylvania [Mr. MOORE] has been stricken hard in the newspaper press of this country simply because he has been courageous. He has been a newspaper man for 30 or 40 years, and he, as well as I, can appreciate and comprehend what newspapers might be capable of doing, carelessly or otherwise, because I myself have been in the business for 35 years. And without even attempting to cast any reproach or odium upon the position taken by any of these papers with regard to the

neutrality rights of the United States, it is sufficient now to say that many important dailies have not been neutral, but boldly and blatantly proally.

My friends the assault that was made in the Washington Times and New York Sun against Mr. MANN and Mr. MOORE of Pennsylvania to me sounded entirely too strenuous and as "protesting too much" for whoever wrote these articles to be beyond suspicion. And so it might be with the rest. I am now going to try to make this matter clear to my young friend from Pennsylvania, who might some day be governor, while we are waiting for the monument—that is, in case Mr. MOORE of Pennsylvania in his championship of the freedom of speech in Congress, or McFADDEN, might not get there before you, Mr. FARR. I am not going abroad to hunt through any other Member's district and I am not taking the assertion made for or against this proposition in any newspaper. But it is a duty that I owe this House and the country, when I know of definite facts that exist of the wanton and willful interference with American commerce with neutral countries by Great Britain, to say so, and say it specifically, and give my facts and my figures on the question.

In the central part of Pennsylvania there is a great tanning industry on the Juniata River, up at Mount Union, owned and operated by a gentleman named Calvin M. Greene and his two sons. He is a bright, energetic, honorable business man, and his two sons are graduates of a university. They, too, are fair and square men, and I believe are of German descent. Anyhow, they are business men and they are Americans, and I am their Congressman. They have written me this letter, and I want you to know what they say, and to judge whether there is any fake, or farce, or fraud about this talk of interference, or whether we have the freedom of the seas, in order that my young friend FARR may have full enlightenment, if not illumination. This is not of last June, as was the case cited by Mr. MOORE of Pennsylvania. This was in December, and the letter reads:

MOUNT UNION, December 18, 1916.

HOB. B. K. FOCHT,
Lewisburg, Pa.

DEAR B. K.: I inclose two notices from the trade department of the British Embassy, Washington, advising of cabling expenses necessary in order to find if the two parties named therein may have permission from the British Government to receive the goods which we want to send them—

Think of the outrage. An American manufacturer must come to Washington and get consent of the British Embassy to send goods into neutral ports. Is that freedom of the seas? Continuing, the letter reads:

It is very humiliating that American citizens must repeatedly ask Great Britain before any goods can be shipped to the neutral countries of Europe. Great Britain needs a good "beating up." Unfortunately, Germany has not had a square deal through the American press. We are no special descendants of Germany, but our opinion is that she is no worse than Great Britain.

With kindest regards and wishes for a happy Christmas,

Yours, very sincerely,

EDWARD M. GREENE,
Mount Union Tanning & Extract Co.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FOCHT. I would like to have two minutes in which to read this letter from the British Embassy. I think it is worthy of going into the Record.

Mr. DENT. I yield two minutes to the gentleman.

Mr. FOCHT. Thank you very much. It says:

TRADE DEPARTMENT, BRITISH EMBASSY,
Washington, D. C., December 15, 1916.

MOUNT UNION TANNING & EXTRACT CO.,
Mount Union, Pa.:

(J. H. Goldschmidt, Copenhagen.)

The trade department of the British Embassy beg to advise you that the cabling expenses in connection with your application of the 12th instant amount to \$3.95 and that it would be convenient if you would remit this sum at your earliest opportunity.

Here is another one:

TRADE DEPARTMENT, BRITISH EMBASSY,
Washington, D. C., December 15, 1916.

MOUNT UNION TANNING & EXTRACT CO.,
Mount Union, Pa.:

(Norwegian Tanners' Association (notify John Jerndahl), Christiansa; A. S. Bergens, Skofabrik, Bergen.)

The trade department of the British Embassy beg to advise you that the cabling expenses in connection with your application of the 12th instant amount to \$6.65 and that it would be convenient if you would remit this sum at your earliest opportunity.

Under my leave to print, and in connection with the above, I beg to submit as part of my remarks the following editorial which I contributed to the Lewisburg (Pa.) Saturday News of February 17, 1917:

MARKING TIME.

The "overt" act on the part of Germany in the prosecution of her submarine warfare against England and her allies, which many are looking for as the signal to begin hostilities, has not yet been committed. It is the opinion of some, however, that inasmuch as many American ships traverse the prohibited zone something is likely to happen soon, by design or accident, that will precipitate at least some degree of armed conflict.

But since relations with Germany have been broken off there has been a disposition in Washington to "keep cool" and by all honorable means avert war. The President is saying nothing, but in the light of his manner of handling the Mexican situation he is not going to get his page in history as a war President. According to written expressions received in great volume by Members of Congress sentiment against a declaration of war or of engaging in war, excepting in an extreme emergency, is fast crystallizing among the American people.

The feeling is growing that while England has outraged our commerce and Germany criminally violated international law in sinking the *Lusitania*, the warring nations are in no sense hostile to us, and that whatever has been committed against us has not been through any hostile spirit. It is becoming more clearly realized every day that the European nations are in a death grapple, fighting for their very existence, and that any of them are liable to occasionally violate the rules. Hence a week has brought about a very much modified opinion as to the likelihood of war, and just what Congress should regard as sufficient justification for any action that will involve us in the horrors that infest the war trenches of Europe which have shocked the world. There is no division of opinion with reference to ample preparedness, which is proceeding as fast as the genius of American enterprise will permit. But the question Congress may be compelled to confront almost any day is whether or not before the adjournment March 5, and before an "overt" act is committed by Germany, the President is to be authorized in advance to adopt such measures as he may see fit and alone determine what shall constitute sufficient justification for engaging in war. He may not ask this authority in advance, but we feel inclined to forecast such action on his part, and he may have done so before this is in print, for events are moving in rapid succession, though without much noise and bluster.

If it is war, this generation will know how "international law" and "diplomacy," or lack of both, brought us to the gates of blood and horror, and let us hope that there may be such understandings in the future as to preclude such dire possibilities.

But no matter what the cause, not even if many have blundered, no American will falter in his duty. There will be no politics, no section, and no thought other than the preservation of the country's honor and integrity.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Contingencies, headquarters of military departments, districts, and tactical commands: For contingent expenses at the headquarters of the several territorial departments, territorial districts, tactical divisions and brigades, including the staff corps serving thereat, being for the purchase of the necessary articles of office, toilet, and desk furniture, stationery, ice, and potable water for office use when necessary, binding, maps, technical books of reference, professional and technical newspapers and periodicals, payment for which may be made in advance, and police utensils to be allotted by the Secretary of War, and to be expended in the discretion of the commanding officers of the several military departments, districts, and tactical commands, \$7,500.

Mr. GARLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. GARLAND. Mr. Chairman, I have listened here for some time and have been watching the reports made by several generals, admirals, and other military experts of the United States with reference to the possibility of getting recruits in our Army and Navy, and no one can deny that every statement that has been made as to the possibility of getting recruits has been challenged and found wanting. There has been no plan offered that would bring the young men of this country into either the Army or the Navy now or at any time when you need them unless it should be in stress of actual war.

It was suggested here by the gentleman from Georgia [Mr. HOWARD] this morning—and there was some applause following his statement—that you might do something in the way of educating young men in the Army and Navy and in that way attract them. Mr. Chairman, on the 10th of January, 1916, I introduced into the House joint resolution 93, as follows:

Joint resolution (H. J. Res. 93) authorizing the appointment of a commission in relation to educational, vocational, and military-naval training.

Resolved, etc., That a joint commission be constituted to be known as the joint commission on educational, vocational, and military-naval training, to be composed of three Members of the Senate, to be appointed by the Vice President, and three Members of the House of Representatives, to be appointed by the Speaker. The said joint commission be, and is hereby, directed, authorized, and empowered to examine, consider, and submit to Congress recommendations upon the following, to wit:

The need of educational, vocational, and military-naval training in the United States.

Whether national grants should be made to the various States to stimulate vocational and military-naval training, or whether schools or colleges should be established under the direct control of the United States and maintained entirely as national institutions.

If the said commission shall recommend that schools or colleges shall be established and maintained by the United States, then to recommend where not less than 20 such schools or colleges should be placed.

Whether a proportion of such schools should be established on the coasts for educational, vocational, and naval training exclusively.

To make recommendations as to the course of instruction in agricultural, trade, and industrial subjects as well as in military and naval training to be given in such schools and colleges, and to recommend the minimum age at which boys shall be admitted to such schools or colleges and the method of selecting the said pupils.

To make recommendations as to the total number of pupils to be received annually and to estimate the annual cost of the maintenance of such schools and colleges.

To make recommendations as to whether pupils who have been trained in such schools or colleges shall be subject to the call of the United States for military or naval services, as the case may be, and the number of years during which this condition of service shall prevail, and whether such pupils shall during such period, when they are so subject to call for service, serve a limited time each year to perfect their military or naval training.

To make all other recommendations pertaining to the subject matter which aid in rendering more efficient a system under the control of the United States Government for educating boys while at the same time preparing them for military or naval service. To report as to whether such training shall be free of all cost to the said pupils and whether any monetary compensation shall be given the said pupils in the event of their being called for annual training after graduating from the said school or college.

The said commission shall report their finding to Congress on or before October 1, 1916, together with a bill embodying their recommendations and establishing such educational, vocational, and military-naval training schools or colleges. The sum of \$10,000 is hereby appropriated, the same to be immediately available, out of any funds in the Treasury not otherwise appropriated, to defray all necessary expenses of said joint commission, payment of said expenses to be made upon vouchers approved by the chairman of said joint commission, who shall be selected by the commission.

Mr. Chairman, I think my association and acquaintance with the young men of this country and the families of the young men who make up the actual soldiery in times of war is second to that of no man in the House.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GARLAND. Will the gentleman give me a couple of minutes more, just for a few more words?

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. KAHN. Mr. Chairman, will the gentleman yield for a question?

Mr. GARLAND. Yes.

Mr. KAHN. Is the gentleman aware of the fact that the national-defense act provides for vocational training in the Army?

Mr. GARLAND. I do not think it does in this kind or manner.

Mr. KAHN. It provides for it in any manner that the Secretary of War desires to indulge in.

Mr. GARLAND. But there is no plan established for it by which the Secretary is directed to make munitions, to train in trades, or is there directions that he put such proposition in the enlistment of men.

Mr. KAHN. This bill carries an appropriation for it.

Mr. DENT. Yes; this bill carries an appropriation for that purpose.

Mr. GARLAND. I want to say this, in connection therewith, that 85 per cent of the young men of this country who go to the public schools come out unfinished before they get through the high schools, and all of them come out with the purpose of doing something. At 16 or 17 or 18 years of age they can not go through high school for the reason that their condition at home and the situation of their parents will not permit it. They come out to hunt for something to do in life. If a plan of this kind, teaching them a trade is prepared, and then call on them for three or four years of service at that time of life when they do not have a family on their hands enlistments will come. Let the Government make any or all the material they need in a situation of that kind, and teach the trade there, and pay the boys over and above the cost of their teaching; and in that manner I think you will have no trouble in getting all the young men of the right kind, not the kind that are unfit, but the kind you call on in trouble always—the boys of the mill, the factory, and the farm. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record—

The CHAIRMAN. The gentleman had that permission before.

Mr. BOOHER. I desire to extend my remarks by printing in the Record a letter addressed to myself by the William C. Powell Manufacturing Co., of St. Joseph, Mo., tendering to the Government of the United States, free of charge, the use of their plant in case of emergency. This company is engaged in the manufacture of clothing.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by inserting therein the document indicated. Is there objection?

There was no objection.

Following is the letter referred to:

ST. JOSEPH, Mo., February 14, 1917.

Hon. CHARLES F. BOOHER,
Washington, D. C.

MY DEAR MR. BOOHER: I wish to offer, through you, to the United States Government, without cost, that they can share and be benefited by it, the use of my patent during the life of it for one-piece suits, suitable for work, training, or service garments. Wherein they can have all contractors making up Government goods use same for all uses indoor or out, and in any climate, for United States Government use only.

The garment can be made of any weight fabric. Saves yardage over two-piece suits. Has more freedom; in fact, all or more than the inclosed circular and letter tell about. See what it saves.

Various changes could be made in the make up as to collar, pockets, etc., which would not change the patent. This garment can be handled by any manufacturer of overalls, men's coats, pants, etc. The saving of yardage would mean a great amount, as well as having a practical garment of freedom. I will agree to furnish all details as to prices and patterns, etc.

You will no doubt remember the writer, as you put and had passed a bill in the House abolishing prison labor in the overall industry a few years ago.

Will be glad to hear from you if you think the United States Government would handle, and if such is the case, will have the details prepared for a bill.

Thanking you and hoping to hear from you, I beg to remain,

Very truly, yours,

W. C. POWELL.

Mr. HILLIARD rose.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto be considered closed now.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph and amendments be considered closed. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHIEF OF COAST ARTILLERY.

Coast Artillery School, Fort Monroe, Va.: For incidental expenses of the school, including chemicals, stationery, printing and binding; hardware; materials; cost of special instruction of officers detailed as instructors; employment of temporary, technical, or special services; extra-duty pay to soldiers necessarily employed for periods not less than 10 days as artificers on work in addition to and not strictly in line with their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; for office furniture and fixtures, machinery, and unforeseen expenses, \$10,000.

Mr. HILLIARD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Colorado moves to strike out the last word.

Mr. KAHN. Mr. Chairman, I would suggest that the gentleman allow this paragraph to be read to the end.

Mr. STAFFORD. It has been read, Mr. Chairman.

Mr. KAHN. No. On page 6 there are three-fourths of a page, a part of that paragraph.

Mr. STAFFORD. The gentleman is mistaken. We are considering this bill by paragraphs, and not by titles.

Mr. DENT. The gentleman has the right to get in now.

The CHAIRMAN. Under the rule the bill is read by paragraphs, and not by sections.

Mr. KAHN. There are quite a number of sections belonging to this paragraph on the next page, down to almost the bottom of the page.

Mr. DENT. Down to line 14.

Mr. KAHN. No; line 23, page 6.

The CHAIRMAN. Let me ask the gentleman from California this question: We read, commencing with line 13, as I understand it?

Mr. KAHN. Yes.

The CHAIRMAN. Does the gentleman from California claim that on page 6 down to the "Office of the Signal Officer" it is all one paragraph?

Mr. KAHN. I do. The Chair will notice the punctuation at the end of line 25 of page 5. It is a semicolon.

The CHAIRMAN. The Clerk will read.

Mr. STAFFORD. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HILLIARD. If the gentleman from California does not want me to speak, all right. I have not hitherto taken up the time of the House.

Mr. KAHN. I have no objection to the gentleman's speaking.

Mr. STAFFORD. Mr. Chairman, a point of order. I understand on an appropriation bill the measure is considered by paragraphs.

The CHAIRMAN. That is true.

Mr. STAFFORD. I understood the Chair to rule that in the construction of the pending bill, on pages 5 and 6, the paragraph does not end at the end of line 25, page 5, but continues on to the following page, with succeeding paragraphs. Those items in succeeding paragraphs involve separate and distinct proposals, all pertaining, it is true, to the Coast Artillery, but not to the Coast Artillery school at Fort Monroe, Va. If they all pertained to the Coast Artillery school at Fort Monroe, Va., then they might be held to be a part of the same paragraph; but the items under consideration, and found on page 6, relate to the Coast Artillery service, separate and distinct items, and the mere fact that the punctuation marked at the end of line 25 is a semicolon does not make the succeeding paragraphs a portion of the paragraph found on page 5.

Mr. DENT. I want to suggest that there is no question before the committee at this time, the gentleman from Colorado [Mr. HILLIARD] having withdrawn his request.

Mr. STAFFORD. I make a parliamentary inquiry.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] raised a point of order. The Chair asked the gentleman from California [Mr. KAHN] if it was his contention that all this matter was so related that the paragraph as such continued down to the words "Office of the Chief Signal Officer," and he said it was one paragraph. The Chair, without looking at it, directed the Clerk to read. That is the situation. If no one desires to speak, the Clerk will proceed with the reading.

The Clerk read as follows:

For the purchase of engines, generators, motors, machines, measuring instruments, special apparatus and materials for the division of the enlisted specialists, \$7,000;

For purchase of special apparatus and materials and for experimental purposes for the department of artillery and land defense, \$3,000;

For purchase of engines, generators, motors, machines, measuring instruments, special apparatus and materials for the department of engineering and mine defense, \$5,500;

For purchase and binding of professional books treating of military and scientific subjects for library, for use of school, and for temporary use in coast defenses, \$2,500; in all, \$28,000.

Provided, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

Provided further, That purchase and exchange of typewriting machines, to be paid for from this appropriation, may be made at the special price allowed to schools teaching stenography and typewriting without obligating typewriter companies to supply these machines to all departments of the Government at the same price.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry. Throughout this bill there are paragraphs containing provisos, some that have relation and others that have no relation to the paragraph preceding. We have now before us an instance of the latter kind. I should like to have a ruling of the Chair whether, for instance, the two paragraphs on page 6, in lines 14 to 23, are to be considered as one paragraph or are they to be considered as two paragraphs as printed in the bill? Each proviso is concluded with a period.

Mr. MANN. Mr. Chairman, if the Chair is going to make a ruling on that subject, I will suggest that a paragraph is a paragraph. I can give the Chair one instance. In the Agricultural bill in one place it carries general language, and without reaching the point of a period it carries the items for the national forests. Most of the items consist of one line each, and each item is considered, and always has been considered, a separate paragraph, because that is the meaning of the word "paragraph." I do not think there is any question about that. The fact that they are related does not make any difference.

Mr. KAHN. Mr. Chairman, at the end of line 12, on page 6, it says—

In all, \$28,000.

Meaning that all the items in the paragraph amount to \$28,000. I take it that that would mean that the various sections are all a part of the one paragraph.

Mr. MANN. The gentleman can find a much longer argument on that subject by turning to page 21, where it says, in line 5—

Total pay of the Army—

So many dollars. So that would be the end of a paragraph. All of the appropriation bills usually provide at the end of a certain office or a certain class, "in all, so many dollars," but that has nothing to do with the paragraphing.

The CHAIRMAN. The Chair will state that while a heading like this may properly be broken up into small subdivisions, he treats them all as one paragraph. That is the way the Chair is disposed to look at it. The Clerk will continue the reading.

The Clerk read as follows:

Provided further, That the sum of \$1,000,000 may be expended out of the appropriations provided by the act of August 29, 1916, for the purchase of sites and construction of buildings for aviation schools.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. STAFFORD. Before passing this item I wish to inquire what is purposed by the department in the item under consideration? I wish to inquire whether the department made any recommendation for an appropriation of \$1,000,000 for purchase of sites and construction of buildings for the aviation school?

Mr. DENT. The department has made a recommendation, and I was just in the act of offering some amendments that would meet the recommendation of the War Department.

In the act of August 29, 1916, we made an appropriation of something over \$13,000,000 for aviation purposes. The Comptroller has ruled that the department can not pay out of that sum any money for the purchase of sites, or for buildings in order to house the machines or to take care of them. The Secretary of War asks that so much of the appropriation made last year as will be necessary for that purpose be made immediately available in this bill out of the appropriation of last year. It does not increase the appropriation that we are giving in this bill.

Mr. STAFFORD. It is generally recognized that the entire amount of the money appropriated last year for aviation purposes will not be used this year, that a good portion of it, \$3,000,000 or \$4,000,000 or more perhaps, will lapse into the Treasury.

Mr. DENT. They will have about \$6,000,000 left, and they want to use \$4,500,000 of that for these purposes, and I was about to offer an amendment in order to meet the recommendation of the War Department on that subject.

Mr. STAFFORD. Before I withdraw the point of order I would like to hear the amendment read that is proposed to be offered.

Mr. DENT. I will offer the amendment first.

Mr. STAFFORD. The amendment can be read for information, but can not be offered while the point of order is pending.

The CHAIRMAN. The gentleman will send his amendment to the desk and it will be read. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. DENT: Page 8, line 13, strike out "\$1,000,000" and insert in lieu thereof "\$4,000,000"; page 8, line 14, after the word "appropriations," insert the words "for aviation"; page 8, line 16, after the word "the," insert the words "acquisition by," and after the word "purchase" insert the words "condemnation or otherwise"; page 8, line 17, strike out the period and insert a comma after the word "schools," and add the following: "post experimental stations, and proving grounds for the United States Army."

Mr. STAFFORD. As I understand, these are read merely for information, Mr. Chairman. I think it is owing to the committee that some explanation be made of this radical amendment increasing the amount from \$1,000,000 to \$4,000,000. Is it purposed to increase these appropriations, as the Naval Affairs Committee increased their appropriation by some \$15,000,000, as the result of afterthoughts of the department?

Mr. DENT. Of course, this does not increase the appropriation which was made last year. It is also true that if this sum is not used by the last of June it will be turned back into the Treasury.

This proposition has been submitted both to the Appropriations Committee and the Military Committee of the House by the Secretary of War, and he writes the following short letter:

WAR DEPARTMENT,
Washington, January 6, 1917.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: I beg leave to inclose a suggested amendment to be incorporated into the urgent deficiency bill. The development of aviation in the Army of course depends upon suitable grounds, and throughout the United States there is now accumulating a very large amount of valuable property of the Aviation Section for which proper housing appliances are absolutely necessary. The appropriation made last year was a very ample provision for the purpose of machines, but made no provision for exercising grounds, storage facilities, etc. This amendment, if incorporated, will authorize the use of a part of the funds appropriated last year for those purposes and, of course, calls for no new appropriation, but merely larger authority with regard to the appropriation already made. The auditor and comptroller have already ruled that the funds appropriated last year, under the limitations contained in the appropriation bill, can not be expended for these purposes.

Respectfully,

NEWTON D. BAKER,
Secretary of War.

Now, the Secretary of War not only wrote this letter, but he tells me that he must have this in order to properly house and take care of the machines.

Mr. ANTHONY. Will the gentleman yield?

Mr. DENT. Yes.

Mr. ANTHONY. Does the Secretary of War state where he desires to spend this increased appropriation?

Mr. DENT. He does not.

Mr. ANTHONY. Is not the whole matter in a very vague condition, and does the gentleman think we ought to appropriate this enormous sum of money for sites until the department states where they want the sites?

Mr. DENT. I think the matter is of such a character that it ought to be left to the discretion of the administrative officers.

Mr. STAFFORD. Will the gentleman yield?

Mr. DENT. Yes.

Mr. STAFFORD. Does not the amendment go further than provide sites for aviation? He could use the \$4,000,000 for the purchase of posts and an experimental school for aviation. Further than that, the matter is before the Committee on Appropriations, which is at present considering the estimates by the department for urgent deficiencies.

Mr. DENT. I have recently had a conversation with the chairman of the Appropriations Committee, who tells me that he would not undertake to put anything of that kind in his bill, and he expects this to be taken care of in the Army appropriation bill.

Mr. CALDWELL. All the money appropriated by us, amounting to millions, has been spent, and a part of it is still under contract in the acquisition of certain aviation machinery that will deteriorate until it is housed. At present there are no houses for these machines, although we have the land for them. They must have the additional appropriation in order that the machinery, perishable property, exposed to the weather, may be properly taken care of—not only that which we have but that which is under contract and that which they expect to buy out of the appropriation.

Mr. SHALLENBERGER. Has the gentleman any information as to whether it will take one million or four million dollars?

Mr. CALDWELL. I understand the department asked for \$4,500,000.

Mr. SHALLENBERGER. For housing this property or acquiring the ground?

Mr. CALDWELL. Both.

Mr. SHALLENBERGER. Did I understand the gentleman to say that there were six million left over of the appropriation of last year?

Mr. DENT. Yes; that is my information.

Mr. SHALLENBERGER. Then Congress voted that much more money than the department has found use for.

Mr. DENT. The department, as I understand, was under the impression that under the appropriation of last year they could use a portion of the fund for acquiring sites to erect buildings to house the machines. The comptroller has ruled that they can not, and the purpose of this amendment is to utilize the money for that purpose.

Mr. FIELDS. I want to say to the gentleman that \$3,000,000 and over is asked to purchase sites.

Mr. GREENE of Vermont. The appropriation bill carrying that sum was approved August 9, 1916, so there has been no time to expend the money.

Mr. DENT. That is true; and when we had the Chief of the Signal Corps before the committee the law had been in operation only about five months.

Mr. CALDWELL. There was appropriated \$14,281,000, and there are \$6,000,000 not yet expended; and the comptroller said that under the wording of the bill it could not be used for the structures necessary.

Mr. MCKENZIE. I would like to ask the gentleman if the Secretary of War or other officers have submitted any estimate in connection with the letter asking for the increased appropriation?

Mr. DENT. No; they have submitted no definite plan or proposal in regard to it.

Mr. MCKENZIE. They are simply asking that we take \$4,000,000 of the money appropriated last year for the construction of flying machines and turn it over to the War Department to expend in the purchase of land and the erection of buildings to take care of flying machines.

Mr. DENT. That is very true.

Mr. MCKENZIE. Is it not a fact that when the matter was considered before the committee we felt that a million dollars was a very reasonable amount to turn over to them at this time for that purpose, and that we needed flying machines rather than land?

Mr. DENT. It is true that the committee thought that a million dollars would be sufficient, but we did not have any more information about it than the War Department has submitted to us now.

Mr. MCKENZIE. Is it not a fact that they did not state at what point or places in the country the money was to be expended or the land purchased?

Mr. DENT. That is very true.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. Yes.

Mr. KAHN. I think there was an estimate submitted to the committee of \$3,000,000 to be appropriated out of the funds that were to go for the purchase of land and putting up the buildings during the fiscal year 1918.

Mr. FIELDS. That is correct.

Mr. KAHN. And therefore the War Department took cognizance of this subject in its estimates. The committee thought, in view of the testimony given before it by Gen. Squier, that probably they could utilize a sum of money appropriated last year for the purchase of land and the construction of buildings. In fact, the department or the bureau undertook to do that very thing out of the \$13,000,000 appropriated, but the Comptroller of the Treasury held that under the wording of the law they could not do it. Therefore the department bought the flying machines but had no buildings in which to put them and no place to try them out at the various posts in the country. This money is now intended to allow the bureau to buy the necessary land and put up the necessary buildings to house the machines that will be required.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. SHALLENBERGER. Has the gentleman any information as to how much of the \$4,500,000 is to be used for buildings and how much for land?

Mr. KAHN. I have not. I have simply the Secretary's letter for my guidance, which I heard the chairman of the committee read.

Mr. SHALLENBERGER. That gives no detail as to that proposition at all?

Mr. KAHN. No.

Mr. SHALLENBERGER. It simply asks for the money. Is the gentleman aware that the Government already has hundreds of reservations scattered all over the country?

Mr. KAHN. Oh, yes; I am quite aware of that. There is a reservation at Fort Sill, Okla., but I do not think the Government wants to take these machines out there and try them out. I do not think that would be a proper place for them. I rather think that the Government wants to try these machines out near the seaboard, where they will undoubtedly be used, and where the department will have to have land if they want to use them.

Mr. FIELDS. Is it not stated also that these sites would have to be purchased where the atmospheric conditions were favorable?

Mr. KAHN. That is only for the schools. After the men become expert fliers they can fly in any atmosphere.

Mr. SHALLENBERGER. Is it not a matter of record before the committee that they have already purchased a large site upon the Potomac?

Mr. KAHN. Yes; I believe at Hampton, Va.

Mr. SHALLENBERGER. For something like \$350,000?

Mr. KAHN. I do not know how much they paid for it. There was an appropriation of \$300,000 for that purpose. They have purchased that site; but if the gentleman knows anything about aeronautics, he must know they have to have large tracts of land near the posts where these machines are to be located in order to successfully maneuver and fly them, and those the Government does not happen to have at the present time.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. McKENZIE. I desire to ask my colleague if, in his judgment, \$1,000,000 would not be sufficient to erect shelter to cover all of the machines that we will have during the year 1918?

Mr. KAHN. Oh, possibly half a million dollars might do that. It might put up the buildings, but that does not get away from the fact that the department must have sufficient land area on which to fly these machines, and that that land must be near the Army posts.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. CALDWELL. Mr. Chairman, on page 999 of the hearings Gen. Scriven was before the committee, and the question of the use of this \$3,000,000 which at that time was asked was under discussion. The general testified that in addition to the hangars in which the machines were to be kept there must be provided at Hampton workshops, experimental shops, places for storing ammunition, bombs, etc., and garages for the necessary automobiles and trucks. So that as I understand it this \$4,500,000 they ask for, or the \$4,000,000 proposed in this amendment, is for the purpose of putting up the necessary improvements to the real estate and the purchase of some small amount of land for the purpose

of having the right kind of station or school for the aviation service. We have appropriated some \$14,000,000 which they can spend between now and the 1st day of July, 1917.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. In just a moment. If they go ahead spending the money for tools and for flying machines and all those things, they will have to be kept under canvas, as it is being kept, according to the testimony on the same page, at Columbus. If such course is pursued, we are wasting our money, throwing it away, and under these circumstances I think we ought to have a chance to vote upon it. I yield to the gentleman.

Mr. SHALLENBERGER. I want to ask the gentleman a question. He said this money they could spend. Has it not been demonstrated that they can not spend it, because they want to spend it now for something not appropriated for? They have not been able to find a place to spend it.

Mr. CALDWELL. I do not say that.

Mr. DENT. They were under the impression they could not spend it for this purpose until the comptroller gave his decision.

Mr. CALDWELL. We appropriated it upon their request a year ago, and now they want words put into the statute so that they can spend it as they contemplated a year ago.

Mr. HILLIARD. Mr. Chairman, this seems to be a very important subject and the Members ought to hear it. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Colorado makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Edwards	Kearns	Riordan
Bacharach	Elston	Kent	Roberts, Mass.
Barchfeld	Estopinal	Key, Ohio	Rodenberg
Beakes	Fairchild	Kreider	Rowland
Beales	Ferris	Lafan	Rucker, Mo.
Benedict	Fess	Langley	Sabath
Bennet	Fitzgerald	Lee	Schall
Blackmon	Flynn	Lewis	Scott, Pa.
Bowers	Frear	Liebel	Scully
Britten	Freeman	Linthicum	Sells
Browning	Gandy	Littlepage	Shackleford
Bruckner	Gard	Lobeck	Siegel
Burgess	Garner	Loft	Slemp
Burke	Godwin, N. C.	Loud	Small
Callaway	Gordon	McCracken	Smith, Idaho
Cantrill	Gould	McGillcuddy	Snell
Carew	Graham	McKinley	Sparkman
Casey	Gray, N. J.	Magee	Steele, Pa.
Charles	Griest	Maher	Stephens, Nebr.
Chiperfield	Griffin	Martin	Stephens, Tex.
Church	Hamill	Matthews	Stiness
Clark, Fla.	Hart	Miller, Del.	Stout
Coleman	Haskell	Montague	Summers
Connelly	Haugen	Mooney	Swift
Conry	Hayes	Morgan, La.	Taggart
Cooper, Ohio	Helvering	Neely	Tague
Copley	Henry	Nelson	Talbott
Costello	Hicks	Oglesby	Taylor, Colo.
Crosser	Hill	O'Shaunessy	Tinkham
Dale, N. Y.	Hinds	Padgett	Vare
Darrow	Holland	Page, N. C.	Venable
Davenport	Hughes	Paige, Mass.	Watson, Pa.
Denison	Hulbert	Patten	Webb
Dewalt	Hull, Tenn.	Phelan	Williams, W. E.
Dies	Humphrey, Wash.	Pou	Wilson, Ill.
Dooling	Husted	Price	Wingo
Doremus	Hutchinson	Ragsdale	Winslow
Drukker	Johnson, Wash.	Rainey	
Edmonds	Jones	Randall	

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the Army appropriation bill (H. R. 20783), finding itself without a quorum, he directed the roll to be called, whereupon 279 Members, a quorum, answered to their names, and he reported the names of the absentees to be entered on the Journal.

The SPEAKER. A quorum having appeared, the committee will resume its session.

The CHAIRMAN. The parliamentary status at the time the point of no quorum was made was that the gentleman from Alabama had submitted certain amendments to be read for information, and the point of order had been reserved to the section of the bill to which those amendments were directed. Does the gentleman from Wisconsin insist on his point of order?

Mr. STAFFORD. Mr. Chairman, from the discussion which has taken place since the point of order was reserved, it is apparent from the expressions that a great number of the members of the Committee on Military Affairs are opposed to this radical increase of appropriation from \$1,000,000 to \$4,000,000. I have examined the hearings and I find that the head of the service stated that there are some propositions under consid-

eration which would involve, in case the tracts are purchased, the expenditure of more than \$1,000,000, and unless I can have some understanding with the chairman of the committee that he will not press his amendment to increase the amount I shall feel constrained to make the point of order. Even though I dissent from this \$1,000,000 of appropriation, I shall not oppose it; but I do not believe it is good legislation to come here merely upon the recommendation of the Secretary of War without any full consideration being given by the committee and increase that amount by \$3,000,000.

Mr. DENT. Will the gentleman from Wisconsin accept an amount of \$2,000,000?

Mr. STAFFORD. No; I think from expressions of members of the committee that this matter was considered by the committee, and it was decided by the committee that \$1,000,000 should be the amount. In fact, there are members who have not participated in the discussion or given it consideration who are averse to this policy of expending these large amounts of money. I believe that it is necessary to allow the War Department to equip some building with the necessary machinery in conjunction with this aviation school so as to aid the aviation service in connection with the Army.

Mr. DENT. As I understand it they require some appropriation for houses that will house and take care of the machines, and this \$1,000,000 will not take care of them, and if I insist on the amendment the gentleman will insist on the point of order?

Mr. STAFFORD. I will.

Mr. GARDNER. Mr. Chairman, I do not think this is subject to the point of order. The decisions are very clear. I refer the Chair to paragraphs 3591 and 3592 in volume 4 of Hinds' Precedents.

The CHAIRMAN. The gentleman reserved the point of order and never stated what his point of order was or to what language it was directed.

Mr. STAFFORD. The point of order is that it is new legislation not authorized by law, and that it is appropriating money carried in another appropriation act for a different purpose than what was stated in the original appropriation act.

Mr. GARDNER. Mr. Chairman, I read from decision No. 3591, fourth volume of Hinds' Precedents:

The reappropriation of an unexpended balance for an object authorized by law may be made on an appropriation bill.

And from paragraph 3592 of Hinds' Precedents:

On February 14, 1907, the naval appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when the Clerk read as follows:

Page 51, line 16, insert after the word "articles," "And provided further, That the unexpended balances under appropriations 'Provisions, Navy, for the fiscal years ending June 30, 1905, and 1906,' are hereby reappropriated for 'Provisions, Navy, for fiscal year ending June 30, 1908.'"

Mr. JOHN J. FITZGERALD, of New York, made a point of order.

After debate the Chairman (who was the Hon. James Breck Perkins, of New York) held:

"The Chair is of the opinion that the question that has been raised has been covered by previous decisions of those occupying the chair, and in a moment the Chair will call the attention of the gentleman from New York to two decisions which he finds. In one of these decisions it was held: 'That a reappropriation of an unexpended balance for an object authorized by law may be made on an appropriation bill.'"

"Now, in answer to the position stated by the gentleman from New York a moment ago, a second decision held 'That a reappropriation of a sum required by law to be covered into the Treasury was not a change of law.'"

"It seems to the Chair that these two decisions precisely cover the questions presented. Money has been appropriated for an object authorized by law and is now reappropriated for a similar object. That is the decision made by predecessors in the chair, and it has been held not to be a change of law and a thing that could properly be done upon an appropriation bill, and the Chair therefore overrules the point of order."

The above decision from which I quoted directly says that a reappropriation of an unexpended balance for an object authorized by law may be made on an appropriation bill. The question arises whether this is or is not an appropriation authorized by law. I have not the Book of Estimates here, but the gentleman from Alabama can tell me the law under which the appropriation was made if he will look in the Book of Estimates.

Mr. KAHN. August 29, 1916.

Mr. GARDNER. August 29, 1916.

The CHAIRMAN. The Chair will ask in that connection if it is agreed that this sum of \$1,000,000 is an unexpended balance. There is no controversy about that?

Mr. DENT. Yes.

The CHAIRMAN. Now, the application of that fund is to the purchase of sites and construction of buildings for the Aviation Corps. What is the authority for that application?

Mr. GARDNER. I am not sufficiently familiar with the act of August, 1916, to say from memory, but I can find the section in a minute or two.

Mr. DENT. I have not found it in the estimates. But I was going to make this statement, Mr. Chairman. As I understand it, the appropriation carried in the appropriation bill for the support of the Army, of August 29 of last year, provided generally for so many millions of dollars for this purpose, and the comptroller has ruled that under that appropriation they can not purchase any sites or erect any buildings to house the machines that they may purchase, or lease any of them. There is no way in which to do it. And I want to confess, Mr. Chairman, that, so far as I am concerned, I think it is subject to a point of order, and that is the reason I said that I would withdraw my amendment if the point of order was going to be insisted on.

Mr. SHALLENBERGER. I would like to call the Chair's attention to the fact that the same appropriation bill which carries this appropriation for aviation purposes carried an appropriation of \$300,000 for the specific purpose for which they now seek to use this money, and that money has been spent for land, showing that it was the intention of Congress when they appropriated that money to have it spent for that specific purpose.

Mr. DENT. Mr. Chairman, I withdraw my proposed amendment.

Mr. STAFFORD. I withdraw the point of order.

Mr. KAHN. Does the gentleman withdraw the entire amendment?

Mr. DENT. I think the point of order would lie on the other.

The CHAIRMAN. Does the gentleman understand that the amendment is withdrawn and the point of order is withdrawn?

Mr. STAFFORD. The point of order is withdrawn on the statement of the gentleman that he does not intend to press the amendment increasing the appropriation.

The CHAIRMAN. Does the gentleman understand the point of order is intended to be withdrawn, and the amendment likewise?

Mr. DENT. Yes.

The CHAIRMAN. Then, without objection, that will be done.

Mr. CALDWELL. Mr. Chairman, I understand now that the point of order having been withdrawn, there are some words—and I do not want to take advantage and ask for a larger appropriation, although I am in favor of one—there are some words that ought to go into this section, even if it carries \$1,000,000. I do not want to take an unfair advantage with the gentleman, who withdraws the point of order. If he means—

Mr. STAFFORD. I did not wish to enlarge the scope of it. I have no objection to the insertion of the word "acquisition."

Mr. CALDWELL. The last one may be grounds for the Army.

Mr. STAFFORD. That extends it away beyond the scope of any mere authorization. I would object to that.

Mr. CALDWELL. The first two amendments, I understand, then, will be in order?

Mr. STAFFORD. I will not press the point of order against those amendments.

The CHAIRMAN. What is the agreement of the gentleman?

Mr. CALDWELL. I move to amend by inserting after the word "appropriations," in line 14, page 8, the words "for aviation," and after the word "the," in line 16, the words "acquisition by," and after the word "purchase," in the same line, the words "by condemnation or otherwise."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 8, line 14, after the word "appropriations," insert the words "for aviation."

On page 8, line 16, after the word "the," insert the words "acquisition by."

On page 8, line 16, after the word "purchase," insert the words "condemnation or otherwise," so that the proviso as amended will read:

"Provided further, That the sum of \$1,000,000 may be expended out of the appropriations for aviation provided by the act of August 29, 1916, for the acquisition by purchase, condemnation, or otherwise, of sites and construction of buildings for aviation schools."

The CHAIRMAN. The question is on agreeing to the first amendment offered by the gentleman from New York [Mr. CALDWELL].

The amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, that is all one amendment.

The CHAIRMAN. The question is on the second amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I offer another amendment. I would like to have the attention of the gentleman

from Wisconsin [Mr. STAFFORD], because I do not want to take an unfair advantage of him. After the word "buildings," in line 16 of the same section, I want to add, "the improvement of land and water front contiguous thereto."

The reason I propose that is this: At one of the stations we find we can not use the hydroplanes for the reason that the water is too shallow, and they must do some work in connection therewith. I want to put in these words in order that the work may be done. It will cost only a few dollars, but it ought to be done.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Nebraska?

Mr. CALDWELL. Yes.

Mr. SHALLENBERGER. I understand the Committee on Appropriations are providing for hydroplanes.

Mr. CALDWELL. Yes; for the Army. This is only hydroplanes for the Aviation School, not for the Army.

Mr. STAFFORD. I have seen the station at Absecon, near Atlantic City, and—

Mr. CALDWELL. They do not have the right kind of a place there.

Mr. STAFFORD. They have only 10 feet of shore and a channel right in front.

Mr. CALDWELL. I hope the gentleman from Wisconsin will not object.

Mr. STAFFORD. I will not.

Mr. SHALLENBERGER. I shall object, Mr. Chairman.

The CHAIRMAN. The gentleman from Nebraska objects.

Mr. CALDWELL. I will withdraw the amendment, then.

The CHAIRMAN. There is a third amendment still to be submitted to a vote. The question is on the third amendment, offered by the gentleman from New York [Mr. CALDWELL].

The amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I withdraw the fourth amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided further, That hereafter motor-propelled vehicles, aeroplanes, engines, and parts thereof may be exchanged in part payment for new equipment of the same or similar character, to be used for the same purpose as those proposed to be exchanged.

Mr. TILSON. Mr. Chairman, before we pass from this important section I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last word.

Mr. TILSON. Mr. Chairman, by far the greater portion of the time to-day has been consumed in discussion of matters entirely foreign to the bill supposed to be under consideration. Therefore it seems to me appropriate before we pass from this important section appropriating for the Signal Corps that I, as a member of the committee, submit a few words in explanation of the large appropriation we have proposed here.

The committee has come to the conclusion that everyone who studies military affairs at the present time must come, that aviation is one of the most important factors, if not the most important factor, in modern warfare. There has been a revolution, so far as warfare is concerned, caused by the invention of aircraft.

When we developed the method known as indirect fire for artillery, which was not very long ago, whereby we were able to conceal our batteries behind a sloping hill and fire at an unseen enemy, we thought we had gone a long way in the development of warfare. While yet engaged in completely adjusting ourselves to this new and more scientific use of artillery along comes this new agency, which requires that instead of figuring in two dimensions we must figure in three dimensions. Instead of being able to hide behind a sloping hill, entirely safe from view, it is now necessary, if concealment is to be had, that the battery be concealed either in a building or by trees or by some other method to shield it from view from the sky.

The means of concealing artillery and machine guns as already developed in the European war are varied, ingenious, and extremely interesting. Houses, sheds, and trees wherever available are used. A harmless-looking hut or cabin back of the line upon closer investigation reveals a battery of 75's, one gun on the front veranda, two more in the parlor or bed chamber, and the fourth beside the kitchen stove. Sheds are erected for the purpose, and other sheds to deceive the enemy, while overnight clumps of trees are taken up bodily and transplanted into protecting groups. All possible means of concealment and every imaginable ruse to deceive are resorted to, because the very existence of the guns, as well as the lives of the gunners,

depends upon escaping the watchful eye of the airman and the still more searching eye of his ever-clicking camera.

By the aid of aircraft the commander is now able to send his scouts forward to observe the line of outposts, to locate the line of battle, to see the position of the supports and the reserve. In fact all that valuable information that formerly required reconnaissance, oftentimes reconnaissance in force, or a considerable battle to ascertain can now be secured by sending out one aeroplane to examine the country. With the aeroplane, by the use of photography, it is now possible to locate every object on the ground viewed, so that by means of triangulation the distance of every object on the ground under consideration is known. An aeroplane goes up in the air with photographic instruments and takes a photograph of a certain section of the ground. Another aeroplane takes a photograph of another section, and so on over the whole ground. These photographs are placed together, making a continuous map. The next day another photograph is taken of each section so that there is exact knowledge of what changes are going on from day to day all over the ground. It is absolutely necessary to conceal batteries of artillery and machine guns, for if the enemy knows exactly where they are located, and he will surely know if permitted to send over his aircraft, he is able to land upon them with his artillery fire. It was but a short time since it was a brave saying to "stand by your guns." Nowadays, having ascertained by the use of the aeroplane the exact range of a battery, it becomes impossible to "stand by your guns." That slogan must now give way to another not so inspiring, but under present conditions far wiser, something like this: "When once your range is found take to your dug-outs," which must be prepared in advance.

Within three short years it has come to pass that the aeroplane has become the most important factor in directing not only the fire of artillery, but also the movements of armies; so that the army which is lacking in aircraft is going to be at the mercy of its opponent having superior aircraft.

It was formerly said of the cavalry that it was the eyes of the army. That is no longer true, except in a very different sense. The aeroplane now is the eyes of the army, and without it an army would be not only blind but entirely helpless. For these reasons large appropriations were made last year and large appropriations are proposed in this bill. Our weakness in this all-important service must be remedied. Every effort is now being bent in that direction, because we realize that of all the modern agencies of warfare, the submarine not excepted, the most important one and the one in which we are most deficient is the aeroplane. It is the part of wisdom to understand clearly that unless we make large appropriations, and unless the executive departments in the expending of these appropriations make headway, we shall, in case of war, find ourselves in a sad situation so far as the air service is concerned. While our present situation is far from comforting, nevertheless the prospect ahead of us is very bright. We are indeed fortunate in having come to the head of the Aviation Service at this critical juncture such a man as Brig. Gen. George O. Squier. His unusual ability, training, and enthusiasm for his work, as well as the beginnings he has made are good ground for hope and confidence that we have entered upon a new era in the development of this most important agency for national defense. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent to proceed for seven minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for seven minutes. Is there objection?

There was no objection.

Mr. GALLIVAN. Mr. Chairman, ever since this bill has been under discussion the House has been entertained from time to time with varying opinions from Members on both sides of this center aisle as to what they think the conduct of this Congress should be in the present international situation. For one I do not believe there is a single Member in the House who has received very much information. It is true that we have been highly entertained by the gentlemen who have spoken; but it has all been without profit, even to us or to the country. A few days ago an editorial came under my notice which appeared in a Boston newspaper, and because it has so much real sound sense in it I propose to offer it at this time as a contribution to the debate which has been going on since the Army bill has been before the House. This editorial appears in the Boston Traveler of Tuesday, February 13, and it is headed "Give the President a chance." It is as follows:

GIVE THE PRESIDENT A CHANCE.

Give President Wilson a fair and decent chance. To-day he is being pulled and hauled by men who, professing to be good citizens and patriotic Americans, are doing what they can to counteract his influence and to convince other nations that he does not represent the sentiment of this Nation.

Three groups are now deliberately engaged in trying to belittle the President. They may be classified as follows:

First. The professional pacifists, or peace-without-honor patriots, who labor to induce Germany to believe that, no matter what she may do in defiance of our rights as a nation and as plain citizens, the sentiment of the United States is against armed protest.

Second. The violent and seemingly incurable proallies, whose constant demand since the war began has been that we enter the war, not in behalf of our own rights, but as a plutocratic, philanthropic annex of the allies.

Third. A dangerous and unpatriotic element which is conjuring up a war with Japan and fanning every day the flame of Japanese resentment against this country, not because they believe that Japan is anxious to make war against us, but to cover up their own allegiance to Germany, which they are not frank enough publicly to proclaim, but which is as patent as their constructive disloyalty to their own country.

Those three groups represent only a small percentage of the people of the United States; but any one of them can apparently make more noise than all of the pro-Americans combined.

Give the President a chance! Suppress the pro-European shriekers!

Now, Mr. Chairman, because I think I am pronouncedly pro-American, and because I firmly believe that every man in this Congress is for America first, I was one of those who this noon voted to strike from the RECORD the words of the gentleman from Pennsylvania [Mr. BAILEY] in which he attacked the loyalty of the gentleman from Massachusetts [Mr. GARDNER]. The gentleman from Massachusetts needs no defense at my hands. Ever since his membership in Congress he has shown that he is able to take care of himself at any and all times; but because I am unwilling to subscribe to any such attack, suggesting that my colleague from my State is more loyal to Great Britain than he is to the country of his birth, I gladly and heartily voted to strike those words from the RECORD. [Applause.] If a similar attack is made on any other Member of this Congress I shall cheerfully do as I did to-day. I believe steadfastly in the absolute loyalty and devotion of all my colleagues to this country and the Stars and Stripes, which spread their sheltering folds over the head of our beloved Speaker. [Applause.]

I do not always agree with the ideas of the gentleman from Massachusetts, and I might say that in most of his contributions to the discussion which has been engaging the attention of Congress I find myself on the other side. But he is a man of courage, of patriotism, of loyalty, and when the test came in his youth he cheerfully responded to the call to the colors in the Spanish-American War. [Applause.] He will do it again if his country needs him.

While I believe, Mr. Chairman, that it would be monstrous to plunge our country into war because of the sinking of any American ship carrying munitions to the belligerents, and I firmly believe that it would be more than a crime to plunge this country into war for the sake of those so-called "Americans" who go out as cattle valets on steamers sailing from East Boston and New York almost every other day, I am unwilling to believe that the great President of this Republic can be persuaded to any such action. Real Americans have judged already the cattle-boat adventurers, and I dare say there is not a man within the sound of my voice who would give them even a cup of coffee to hide their rum breaths, let alone fight and die for their "honor." These are the types that would bring endless misery on our land, because they would court death defiantly in places where they have no right, save at their own peril. One real American boy is worth tons of these cattle pushers, and I have faith that Woodrow Wilson stands for the American boys.

And, Mr. Chairman, we must not forget another thing that occurs to me at this moment, namely, that we did not permit vessels flying the English or any other flag to pass through the lines of our blockading fleets in the Civil War when they were attempting to carry supplies or cash to the Southern States. We must be on the watch for tricky England in our present crisis. She will "plant" an American on her merchantment, if needs be, an "American" who can be easily bought to sail on a ship loaded with materials of war. But Woodrow Wilson knows more about conditions, in my judgment, than all of us here put together. So I say to you, let us be calm, let us refuse to be either a plutocratic or philanthropic annex of either the allies or the central powers, and, above all, let us give the President a chance. [Applause.]

I want to call to the attention of the House another editorial from a Boston newspaper, the Globe, which appears in to-day's issue over the signature of "Uncle Dudley," one of the ablest and best-posted contributors in this country. It is as follows:

BETTER FOR US TO LOOK BEFORE WE LEAP.

Many of our American ships are lying idle at their docks. They do not make ready to put to sea. Their owners clamor for protection from Washington. They are told that they may arm, but suitable guns are not to be had in the open market. Meanwhile, freight destined for European ports is congesting the railroads. Many trainloads of provisions are sidetracked. Some of our export trade is waiting for a change in the international situation or for a development in the administration attitude.

In 1798 we adopted a policy of armed neutrality. France and England were at war and the French privateers preyed upon our shipping. The situation became so intolerable that, under President John Adams, an American Navy was created for the express purpose of protecting our commerce from the French privateers. We did not make war on the French or declare war against France, but by means of armed vessels on the sea we protected our commerce with England.

There is no question that we may rightly adopt this very policy to-day. We may serve out 4 and 6 inch guns to our merchant shipping, assist them to secure proper gun crews, and use our Navy to convoy upon their lawful occasions ships belonging to Americans.

The chief difficulty in the way of this course is not German, but British. The blockade which England has established is quite as illegal as that of Germany. There would be no problem in convoying ships to England. But as soon as we dispatched a convoy to England a request might well be made that the Government escort a vessel, say, to Norway, or Sweden, or Denmark, or Holland. In that case the British blockade would come in. England has assumed the right to control all commerce to those nations in order to stop reshipments into Germany. We could not very well send a light cruiser or torpedo boat to attend an American vessel wishing to reach Norway to Halifax and then have our cruiser wait patiently outside for a couple of weeks while the British officials made sure that the cargo of our American merchantman contained nothing they did not like in the way of contraband. We have not recognized the British blockade, and there is no reason why we should. But the moment we began to convoy our shipping a recognition of the blockade would be imminent, and the United States can not recognize the high-handed procedure of the British blockade as legal without defaulting rights we have maintained as just for many years.

Deliberation at this time has certain compensations. A situation in which "enormous quantities" of foodstuffs will be thrown on American markets is forecasted. Most American consumers could endure such a happening. The American table has not been groaning these last few months. No great harm will be done if the dollar is made to resume its former purchasing power. The public will not object to cheaper food. The cattle in New England, now threatened with semistarvation because of the scarcity of grain in the East, might be treated to a series of square meals. Domestic markets, overlooked since Europe went to war, might be rediscovered.

As for the cause of preparedness, it is making tremendous progress. The Army and the Navy are being put upon a war footing. Boats which will be a great assistance in submarine hunting, should we ever come to it, are being catalogued for quick mobilization. Committees of men of affairs are taking account of our resources. Factory owners are notifying the authorities that their plants are at the disposal of the Government. Nets are under construction for the protection of American harbors. Each day of waiting finds us better ready to face hostilities, if that is to be our lot.

The German submarine campaign, furthermore, is not certain of success. It was undertaken in order to secure the quick peace which the German people desire. If England is not brought to terms very soon, the German authorities may come to the conclusion that their effort with U-boats will not bring about the result desired, and the attitude of Germany toward the United States may then change completely. Washington has given Berlin plenty of room in which to back down. The German note did not say directly that our ships would be sunk without warning. It simply canceled the German pledge to us not to sink our ships without warning.

If the time comes that we do convoy our ships, we must realize that a convoy does not assume that a ship carrying contraband will remain afloat. A ship may, in conformity with international law, be stopped, searched, the safety of the passengers and crew assured by removal, and the ship sunk, without giving any offense to the convoy. If we furnished our ships with escorts their cargoes would not be safe, even though no lives on them were lost. Should we place guns aboard merchant vessels we might endanger the safety and comfort of American citizens in Germany more than that of the German U-boat crews.

Only 10 per cent of our shipments to the allies go in American bottoms. Holding up by delay American merchant ships at this time rather increases the comfort of American citizens here and in no way interferes with our national safety. We deliberated 20 years before going into the War of 1812. We can afford to think twice before making any drastic move at the present time.

UNCLE DUDLEY.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman has that leave by order of the House.

Mr. MANN. Mr. Chairman, I think the Chair is in error; the order was for those "who have spoken."

The CHAIRMAN. The Chair did not so understand it. The Chair understood it was those who had spoken or would speak.

Mr. GREENE of Vermont. On page 3879, Mr. Chairman, the RECORD says:

Mr. DENT. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken upon this bill be allowed five legislative days in which to revise and extend their remarks.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all the gentlemen who have spoken on this bill have five legislative days in which to extend their remarks. Is there objection?

The CHAIRMAN. That is sufficient. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

Washington-Alaska military cable and telegraph system: For defraying the cost of such extensions, betterments, operation, and maintenance of the Washington-Alaska military cable and telegraph system as may be approved by the Secretary of War, to be available until the close of the fiscal year 1919, from the receipts of the Washington-Alaska military cable and telegraph system which have been covered into the Treasury of the United States, the extent of such extension and betterments and the cost thereof to be reported to Congress by the Secretary of War, \$50,000: *Provided*, That hereafter the Signal Corps, in its operation of military telegraph lines, cables, or radio stations, is authorized to collect forwarding charges due connecting commercial telegraph or radio companies for the transmission of Government radiograms or telegrams over their lines, and to this end it can present vouchers to disbursing officers for payment or file claims with auditors of the Treasury Department for the amount of such forwarding charges.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask the chairman of the committee if he does not think that the phraseology should be further limited so that it shall not be operative unless approved by the Secretary of War?

Mr. DENT. What is the gentleman's point?

Mr. STAFFORD. I thought the authorization should not go into effect unless first approved by the Secretary of War, and I was going to suggest to the chairman to insert, after the word "authorized," in line 10, the words "in the discretion of the Secretary of War," and then, in line 13, after the word "and," to insert the words "under such regulations as may be prescribed by the Secretary of War." I do not think it is advisable to enact into permanent law an authorization to the Signal Corps to collect charges without the Secretary of War having the power to discontinue them or to make regulations governing the subject.

Mr. DENT. I have no objection to those amendments.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order and offer the following amendments.

The Clerk read as follows:

Page 9, line 10, after the word "authorized," insert the words "in the discretion of the Secretary of War," and after the word "and," in line 13, page 9, insert the words "under such regulations as may be prescribed by the Secretary of War."

The amendments were agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Tennessee [Mr. GARRETT] called especial attention to the message of the President to Congress in which he announced the severance of diplomatic relations with Germany. Now, when I heard the President read that vastly significant document I thought, and then remarked, that it contained one error in a statement of fact—an error which seemed to be rather important in the sense that the truth—exact knowledge of the facts—is always important in serious discussion.

The President said:

Let me remind the Congress that on the 18th of April last, in view of the sinking on the 24th of March of the cross-channel passenger steamer *Sussex* by a German submarine, without summons or warning, and the consequent loss of the lives of several citizens of the United States, who were passengers aboard her—

And so forth.

But it is not true that several citizens of the United States lost their lives on that British steamer. I have here a copy of the New York World, and on the first page, right-hand column of that paper for March 28, 1916, are the headlines:

No American life lost on the *Sussex*. Germany ready to disavow the act.

Then follows this dispatch:

WASHINGTON, March 27.

Reports received to-day by the State Department from Ambassador Page, in London, and Ambassador Sharp, in Paris, have established that no American lives were lost on board the channel passenger steamer *Sussex*—

And so forth.

In the same issue of the World appears an editorial, from which I quote the following:

One paragraph in President Wilson's speech at St. Louis February 8 has a peculiar application to the *Sussex* case: "Gentlemen, the commanders of submarines have their instructions, and those instructions are consistent for the most part with the laws of nations; but one reckless commander of a submarine, choosing to put his private interpretation upon what his Government wishes him to do, might set the world on fire."

The editorial continues:

No American lives were lost on the *Sussex*—

And so forth.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. SLOAN. I am very much interested in the statement of the gentleman as to past facts. Was there not in that message a statement substantially like this, that it is "taken for granted that all neutral Governments will take the same course" that had just been taken by the President?

Mr. COOPER of Wisconsin. The gentleman is referring to what the President seemed to assume.

Mr. SLOAN. Yes.

Mr. COOPER of Wisconsin. I have been referring to what purported to be a statement of fact.

Mr. SLOAN. I do not think the gentleman gets the purport of my question. He is the ranking minority member of the Committee on Foreign Affairs, and as such must keep in close touch with the actions of the other neutral nations of the world. I want to ask, as a matter of information, whether any neutral nation on earth has followed the course taken by the President of the United States in the severance of the diplomatic relations with Germany?

Mr. COOPER of Wisconsin. Mr. Chairman, I can say no more than that my information is that no other nation has followed the lead of the United States in that regard. I can not state positively as a fact that that is true.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired, and the Clerk will read.

The Clerk read as follows:

OFFICERS OF THE LINE.

For pay of officers of the line, \$11,500,000.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the proviso beginning on line 24, page 9, and ending on line 23, page 10, be read at this point in the bill, instead of and in the place of the words printed in the bill. The proviso should come after the figures "\$11,500,000," which is for the pay of officers, and not after the provision for the additional pay to officers for length of service.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the proviso referred to shall be read and considered immediately following line 22, page 9. Is there objection?

Mr. MANN. Mr. Chairman, I shall have no objection to that, and to having it read, if the gentleman will then move to rise.

Mr. DENT. I will state to the gentleman that if there is any controversy over the proviso I will.

Mr. MANN. There is a controversy over it.

Mr. DENT. Mr. Chairman, let the Clerk read the proviso. The period after the figures "\$11,500,000" should be stricken out and a semicolon inserted, and then the proviso.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided, That no part of this appropriation shall be paid to any officer of the line of the Army who shall be appointed or promoted in violation of any of the terms next hereinafter specified: That of the whole number of officers of Cavalry, Field Artillery, Coast Artillery Corps, Infantry, and of Engineers serving with the enlisted force of the Corps of Engineers necessary to fill vacancies created or caused in said arms of the service by reason of the second increment, authorized by said arms by act of Congress approved June 3, 1916, not more than one-fourth shall be appointed or promoted until, exclusive of enlisted men belonging to said arms on June 30, 1916, at least one-fourth of the second increment of enlisted men authorized for said arms by said act shall have been enlisted; not more than one-half of said whole number of officers shall be appointed or promoted until at least one-half of said increment of enlisted men shall have been enlisted; and not more than three-fourths of said whole number of officers shall be appointed or promoted until at least three-fourths of said increment of enlisted men shall have been enlisted. And all officers promoted in accordance with the terms of this proviso shall take rank, respectively, from the dates on which their promotions shall have become lawful under the terms of this proviso.

Mr. TILSON. Mr. Chairman, I reserve the point of order upon that, and at this point I ask unanimous consent to have printed in the Record an amendment which I have sent to the desk, which is rather long, the amendment to be considered pending, subject, of course, to any point of order to which it may be subject, without having it read now.

Mr. MANN. The gentleman can have it printed in the Record for the information of the House.

Mr. TILSON. I make that request, that it be printed in the Record for the information of the House, and I shall offer it at this point.

Mr. STAFFORD. Mr. Chairman, on the amendment I reserve the point of order.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the amendment referred to may be printed in the Record for the purpose of information to be hereafter offered at the proper place. Is there objection?

There was no objection.

The amendment referred to is as follows:

Amendment offered by Mr. TILSON: Page 10, line 23, after the word "proviso," insert:
"Provided further, That in any increase in or additions to the Regular Army of the United States all increases in and additions to the

commissioned personnel of any arm, corps, or department shall be in the lowest commissioned grade of such arm, corps, or department.

"That the present method of promotion of commissioned officers of the Regular Army of the United States to any grade below that of brigadier general shall cease, and that hereafter officers of any grade in the Regular Army of the United States below that of colonel shall be promoted, subject to existing laws as to examination, only on the completion of the following total years of service on the active list as a commissioned officer of the United States, to include service in the Regular Army, the Volunteers, the National Guard or Organized Militia in Federal Service, the Navy, and the Marine Corps, and for officers of the Medical Corps, service as a medical reserve officer on the active list: To the grade of first lieutenant on the completion of a total of 4 years of service, to the grade of captain on the completion of a total of 10 years of service, to the grade of major on the completion of a total of 19 years of service, to the grade of lieutenant colonel on the completion of a total of 24 years of service, and to the grade of colonel on the completion of a total of 27 years of service: *Provided*, That no credit shall be given for time lost through failure on examination for promotion or through sentence of court-martial.

"Those now holding anomalous position through failure on examination for promotion shall lose one year for each such failure; those holding an anomalous position through sentence of a court-martial shall be given the constructive service of the officer whom they now follow on the lineal list. Those hereafter failing on examination for promotion shall lose one year for each such failure.

"Those who now have more than sufficient credit for promotion to the next higher grade shall be promoted as of the date of this act.

"That officers of the Medical Corps, Dental Corps, and chaplains shall be credited with four years' constructive service for all promotions: *Provided*, That chaplains, dental surgeons, and veterinarians shall not be promoted beyond the grade of major.

"That officers of the permanent staff corps or departments originally appointed to the Regular Army in such corps or departments to a grade above that of second lieutenant shall be credited with the constructive service required to reach such grade of original appointment, such constructive service to include any prior service in the Volunteers, the Navy, and the Marine Corps.

"That the officers retired and thereafter restored to the active list shall be credited with the constructive service necessary to reach the grade to which restored, such constructive service to include any prior active service.

"That the President may assign officers to command and duties in such manner as the exigencies of the service demand, subject to the rules of seniority provided by this act and existing law and the laws affecting detached service: *Provided*, That, as far as practicable, the assignment of an officer of one arm of the service to another arm shall be avoided.

"That officers in excess of the number otherwise authorized for particular grades shall be assigned to the duties heretofore performed by the officers on the lists of additional and detached officers, and they shall also be used for the purpose of filling any vacancies in typical organizations.

"That the total number of commissioned officers in any arm, corps, or department shall not exceed the total number otherwise authorized for said arm, corps, or department.

"That in time of war officers shall have the rank and pay of any advanced grade or office to which they may be properly assigned for the period of actual service therein; such advanced grade or office to be in conformity with adopted tables of organization for the Army.

"That nothing in this act shall be held or construed so as to discharge any officer from the Regular Army, or to deprive him of the commission which he now holds therein."

Mr. McKELLAR. Will the gentleman state the substance of his amendment?

Mr. TILSON. The substance is a matter of promotion of Army officers. It deals with the subject of promotions in the Army.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I suggest it is Saturday night—

Mr. DENT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20783, the Army appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 11474. An act authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Nicolai County, Tenn.;

H. R. 12541. An act authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader; and

H. R. 12463. An act for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 703. An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the

preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure;

S. 7872. An act to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes;

S. 6850. An act authorizing transfer of certain retired Army officers to the active list; and

S. J. Res. 208. Joint resolution to grant citizenship to Joseph Beech.

WASHINGTON'S BIRTHDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal on February 22, Washington's Farewell Address be read by Mr. NEELY, of West Virginia.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that on the 22d of February, immediately after the reading of the Journal and the cleaning up of matters on the Speaker's table, that Washington's Farewell Address be read by Mr. NEELY, of West Virginia. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I will not object, but I think there may be a request made by some gentleman to address the House for a little while on Washington.

Mr. KITCHIN. I will not object to that, but on the afternoon before we will agree to meet earlier on the 22d.

Mr. MANN. Very well.

CONFERENCE REPORT ON AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I present a conference report on the Agriculture bill, and I ask for the printing of the report and statement in the RECORD under the rules.

Mr. MANN. Is it a complete report?

Mr. LEVER. It is a complete report.

The SPEAKER. The report and statement will be printed under the rule.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1506).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 14, 21, 24, 26, 29, 30, 44, 45, 48, 67, 68, 69, 70, 71, 75, 76, 77, 79, 82, 84, 98, and 101.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 9, 12, 16, 17, 18, 20, 22, 25, 34, 35, 38, 39, 40, 41, 42, 43, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 72, 78, 80, 81, 83, 87, 89, 92, 94, 95, 96, 100, 102, and 105, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: After the word "establishment" in said amendment insert a comma and the word "equipment," and strike out "\$20,000" and insert in lieu thereof "\$6,500"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: On page 9, line 5, strike out "\$1,468,740" and insert in lieu thereof "\$1,455,240"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: On page 9, line 6, strike out "\$1,796,640" and insert in lieu thereof "\$1,783,140"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of "\$269,200" insert "\$277,580"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: After the word "equipment," in the Senate amendment, strike out the words "and maintenance"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of "\$2,604,956" insert "\$2,613,336"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of

"\$3,445,326" insert "\$3,555,326"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of "\$90,000" insert "\$82,510," and in lieu of "\$15,000" insert "\$7,500"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of "\$112,200" insert "\$107,200," and in lieu of "\$14,000" insert "\$9,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of "\$2,460,530" insert "\$2,480,530"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of "\$3,123,630" insert "\$3,143,630"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Before the figures "\$1,200," in the Senate amendment, insert the words "not exceeding"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Transpose the comma and the figures "\$66,100," following the Senate amendment, to a position preceding said amendment; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of "\$1,814,567" insert "\$1,817,567"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of "\$3,261,475" insert "\$3,264,475"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of "\$5,709,275" insert "\$5,712,275"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of "\$2,992,580" insert "\$2,972,580"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of "\$3,127,660" insert "\$3,107,660"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of "\$813,395" insert "\$843,395"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of "\$1,688,575" insert "\$1,718,575"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: Strike out the language "same to be additional to the existing 80 acres now used as a plant-introduction field station," and transfer the paragraph as thus amended to page 24, between lines 18 and 19, of the bill; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of "\$139,500" insert "\$104,500"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of "\$160,000" insert "\$125,000"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of "\$24,581,213" insert "\$24,679,113"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of "\$25,831,213" insert "\$25,929,113"; and strike out the new language added by the Senate amendment; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of "\$480" insert "\$1,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of "\$480" insert "\$1,000"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of "\$1,000" insert "\$1,500"; and the Senate agree to the same.

A. F. LEVER,

GORDON LEE,

G. N. HAUGEN,

Managers on the part of the House.

E. D. SMITH,

HOKE SMITH,

F. E. WARREN,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: This amendment reduces by \$1,680 the appropriation for expenses of the Weather Bureau outside of the city of Washington. The House recedes.

On amendment No. 2: This amendment reduces by \$1,680 the amount which may be expended by the Weather Bureau for salaries outside of the city of Washington. The House recedes.

On amendment No. 3: This amendment increases by \$15,140 the amount which may be expended by the Weather Bureau for special observations and reports. The House recedes.

On amendment No. 4: This amendment provides \$20,000 for the establishment and maintenance of a Weather Bureau station at Greenville, S. C. The House recedes and agrees with an amendment inserting the word "equipment" after the word "establishment," and reducing the appropriation from \$20,000 to \$6,500.

On amendments Nos. 5 and 6: These amendments represent amended totals.

On amendment No. 7: This amendment authorizes repairs and improvements to buildings at quarantine stations. The House recedes.

On amendment No. 8: This amendment increases by \$18,900 the appropriation for animal-husbandry investigations. The House recedes and agrees with an amendment making the amount \$277,580 in order to conform to the action of the managers at the conference on amendment No. 10.

On amendment No. 9: This amendment provides \$15,000 for the purchase of lands in the vicinity of the Morgan Horse Farm, near Middlebury, Vt. The House recedes.

On amendment No. 10: This amendment reduces by \$8,380 the amount which may be expended for experiments in poultry feeding and breeding. The Senate recedes.

On amendment No. 11: The first part of this amendment strikes out the language relating to ostrich investigations. The second part adds new language and provides that \$12,280 may be expended for the equipment and maintenance of the United States sheep experiment station in Fremont County, Idaho. The House recedes and agrees with an amendment striking out the words "and maintenance" after the word "equipment."

On amendment No. 12: This amendment strikes out the words "investigation of tuberculosis in cattle." The House recedes.

On amendment No. 13: This amendment represents an amended total.

On amendment No. 14: This amendment reduces by \$101,620 the appropriation for meat inspection. The Senate recedes.

On amendment No. 15: This amendment represents an amended total.

On amendment No. 16: This amendment increases by \$5,000 the appropriation for fruit-disease investigations, with a proviso that \$8,000 shall be available for pecan-disease investigations. The House recedes.

On amendment No. 17: This amendment adds new language and appropriates \$300,000 for the eradication or control of the white-pine blister rust. The House recedes.

On amendment No. 18: This amendment increases by \$2,500 the appropriation for soil-fertility investigations. The House recedes.

On amendment No. 19: This amendment increases by \$15,000 the appropriation for crop acclimatization and fiber-plant investigations, and provides that this sum shall be used for experiments in cottonseed interbreeding. The House recedes and agrees with an amendment reducing the \$15,000 for such purpose to \$7,500 and reducing the total by a like amount.

On amendment No. 20: This amendment increases by \$10,000 the appropriation for cereal investigations. The House recedes.

On amendment No. 21: This amendment increases by \$10,000 the allotment for black rust and stripe rust investigations. The Senate recedes.

On amendment No. 22: This amendment inserts after the words "flax straws" the words "and hemp" in the paragraph for paper-plant investigations. The House recedes.

On amendment No. 23: This amendment increases by \$10,000 the appropriation for pomological investigations and provides that \$14,000 shall be available for the investigation and improvement of the pecan. The House recedes and agrees with an amendment reducing the amount for such purpose by \$5,000 and reducing the total by a like amount.

On amendment No. 24: This amendment increases by \$2,500 the appropriation for horticultural investigations. The Senate recedes.

On amendment No. 25: This amendment increases by \$4,000 the appropriation for the testing and distribution of new and rare seeds and for forage-crop investigations. The House recedes.

On amendment No. 26: This amendment adds new language, authorizing the expenditure of \$4,000 for forage-crop investigations in cooperation with the Washington State Experiment Station. The Senate recedes.

On amendments Nos. 27 and 28: These amendments represent amended totals.

On amendment No. 29: This amendment reduces by \$1,000 the appropriation for the Coronado National Forest. The Senate recedes.

On amendment No. 30: This amendment reduces by \$2,000 the appropriation for the Lincoln National Forest. The Senate recedes.

On amendment No. 31: This amendment strikes out the language authorizing the expenditure of \$1,200, out of any funds hereafter appropriated for the Nebraska National Forest for any fiscal year to and including the fiscal year ending June 30, 1920, for the purchase of land now under lease and used as a nursery site for the Niobrara division of said forest, and inserts new language appropriating \$1,200 for the purchase of the land during the next fiscal year, increasing the total appropriation for the Nebraska National Forest by that amount, and providing that the cost of any building erected at the nurseries on the Nebraska National Forest shall not exceed \$1,000. The House recedes and agrees with an amendment inserting the words "not exceeding" before the figures "\$1,200."

On amendment No. 32: This amendment provides that all moneys received on account of permits for hunting, fishing, or camping on lands acquired under the authority of the Weeks Forestry Act shall be disposed of as is provided by existing law for the disposition of receipts from national forests. The House recedes and agrees with an amendment transposing the position of the proviso so that it appears after the amount of the appropriation.

On amendment No. 33: This amendment represents an amended total.

On amendments Nos. 34 and 35: These amendments insert language authorizing the eradication of poisonous plants in the national forests. The House recedes.

On amendments Nos. 36 and 37: These amendments represent amended totals.

On amendment No. 38: This amendment reduces by \$10,000 the appropriation for poultry and egg investigations. The House recedes.

On amendment No. 39: This amendment reduces by \$4,600 the appropriation for fish investigations. The House recedes.

On amendment No. 40: This amendment increases by \$3,000 the appropriation for table-sirup investigations. The House recedes.

On amendments Nos. 41 and 42: These amendments represent amended totals.

On amendment No. 43: This amendment increases by \$5,000 the appropriation for the investigation of insects affecting deciduous fruits, with a proviso that \$9,600 shall be available for the investigation of insects affecting the pecan. The House recedes.

On amendment No. 44: This amendment makes immediately available \$10,000 of the appropriation for the investigation of insects affecting southern field crops. The Senate recedes.

On amendment No. 45: This amendment provides that \$20,000 of the appropriation for the investigation of insects affecting truck crops and stored products may be used for the investigation of diseases of beans and peas. The Senate recedes.

On amendments Nos. 46 and 47: These amendments represent amended totals.

On amendment No. 48: This amendment restricts the experiments and demonstrations in destroying predatory animals and animals injurious to agriculture to the lands of the United States. The Senate recedes.

On amendment No. 49: This amendment decreases by \$2,440 the appropriation for general administrative expenses of the Bureau of Biological Survey. The House recedes.

On amendments Nos. 50 and 51: These amendments represent amended totals.

On amendment No. 52: This amendment strikes out the language limiting the loaning, renting, or selling of films to educational institutions or associations for agricultural education not organized for profit and substitutes a proviso that such institutions or associations shall have preference. The House recedes.

On amendment No. 53: This amendment reduces by two the number of clerks, class 3, in the Bureau of Crop Estimates. The House recedes.

On amendment No. 54: This amendment reduces by one the number of clerks at \$900 each in the Bureau of Crop Estimates. The House recedes.

On amendment No. 55: This amendment reduces by three the number of messengers or laborers at \$720 each in the Bureau of Crop Estimates. The House recedes.

On amendment No. 56: This amendment represents an amended total.

On amendment No. 57: This amendment provides that hereafter the Monthly Crop Report shall be printed and distributed on or before the 12th day of each month. The House recedes.

On amendment No. 58: This amendment reduces by \$4,078 the appropriation for the field investigations of the Bureau of Crop Estimates. The House recedes.

On amendments Nos. 59 and 60: These amendments represent amended totals.

On amendment No. 61: This amendment reduces by one the number of clerks at \$900 in the library. The House recedes.

On amendment No. 62: This amendment represents an amended total.

On amendment No. 63: This amendment reduces by \$4,000 the appropriation for the general expense of the library. The House recedes.

On amendment No. 64: This amendment represents an amended total.

On amendment No. 65: This amendment increases by \$15,000 the appropriation for miscellaneous expenses. The House recedes.

On amendment No. 66: This amendment provides for the appointment of a joint committee to investigate the advisability of the erection of additional buildings for the Department of Agriculture. The House recedes.

On amendment No. 67: This amendment strikes out the language authorizing the Secretary of Agriculture to prescribe the form of the annual financial statement required under the acts cited in the paragraph. The Senate recedes.

On amendment No. 68: This amendment increases by \$20,000 the appropriation for the insular experiment stations. The Senate recedes.

On amendment No. 69: This amendment increases by \$10,000 the allotment for the Hawaii Experiment Station. The Senate recedes.

On amendment No. 70: This amendment increases by \$10,000 the allotment for the Porto Rico Experiment Station, with a proviso that \$10,000 may be expended for the maintenance of an experimental substation. The Senate recedes.

On amendment No. 71: This amendment increases by \$5,000 the amount which may be expended for agricultural-extension work in Hawaii. The Senate recedes.

On amendment No. 72: This amendment reduces by \$4,000 the appropriation for home-economics investigations. The House recedes.

On amendments Nos. 73 and 74: These amendments represent amended totals.

On amendment No. 75: This amendment reduces by \$3,400 the appropriation for general administrative expenses of the Office of Public Roads and Rural Engineering. The Senate recedes.

On amendments Nos. 76 and 77: These amendments represent amended totals.

On amendment No. 78: This amendment makes immediately available \$40,000 of the appropriation for the market news service. The House recedes.

On amendment No. 79: This amendment strikes out the paragraph providing \$50,000 for the investigation of the production and marketing of agricultural food products, and inserts a new paragraph appropriating \$25,000 to enable the Secretary of Agriculture to certify to shippers the condition of fruits and vegetables at points of destination. The Senate recedes.

On amendment No. 80: This amendment corrects a typographical error. The House recedes.

On amendment No. 81: This amendment reduces by \$5,000 the appropriation for cotton standardization. The House recedes.

On amendment No. 82: This amendment authorizes the Secretary of Agriculture to use \$25,000 of the appropriation for grain standardization for the installation of an experimental flour mill and chemical and baking laboratories in Washington to aid in establishing standards for wheat and other grains. The Senate recedes.

On amendment No. 83: This amendment provides \$4,000 for the administration of the standard basket and container act. The House recedes.

On amendment No. 84: This amendment reduces by \$5,000 the appropriation for general administrative expenses of the Bureau of Markets. The Senate recedes.

On amendments Nos. 85 and 86: These amendments represent amended totals.

On amendment No. 87: This amendment gives the Secretary of Agriculture power to administer oaths, examine witnesses, and call for the production of books and papers. The House recedes.

On amendment No. 88: This amendment adds new language and appropriates \$35,000 for the purchase, preparation, and irrigation of 150 acres of land at Chico, Cal., as an addition to the existing plant-introduction field station. The House recedes and agrees with an amendment striking out the reference to the existing field station.

On amendment No. 89: This amendment adds new language and appropriates \$50,000 to meet the emergency caused by the existence of the pink bollworm of cotton in the Laguna district of Mexico. The House recedes.

On amendments Nos. 90 and 91: These amendments represent amended totals.

On amendment No. 92: This amendment authorizes the Secretary of Agriculture to establish a quarantine without necessary regard to the determination of the fact of the existence of a dangerous plant disease or insect infestation in the State, Territory, or District quarantined. The other changes consist in the incorporation, for purposes of effective administration, of desirable legislation for enforcing effectively the gypsy moth and brown-tail moth quarantine. The House recedes.

On amendment No. 93: This amendment represents an amended total.

On amendment No. 94: This amendment increases by \$10,000 the appropriation for demonstrations on reclamation projects. The House recedes.

On amendment No. 95: This amendment increases by \$16,396 the appropriation for experiments in dairying and live-stock production in the western United States. The House recedes.

On amendment No. 96: This amendment reduces by \$250,000 the appropriation for the eradication of foot-and-mouth and other contagious diseases of animals. The House recedes.

On amendment No. 97: This amendment amends the total carried by the bill for the Department of Agriculture and adds new language imposing certain restrictions upon the expenditure, in connection or in cooperation with certain corporations and individuals, of the funds appropriated to the department. The House recedes and agrees with an amendment making the amount of the total \$25,929,113 instead of \$25,831,213 and striking out the new language.

On amendments Nos. 98, 99, 100, 101, 102, 103, and 104: The effect of these amendments is to lower the limit of salary to which the percentage increases shall apply from \$1,800 to

\$1,000, and to provide a 15 per cent increase in salary for employees receiving \$480 or less and a 10 per cent increase for employees receiving more than \$480 and not exceeding \$1,000. The House recedes and agrees with an amendment raising the salary limit to which the increases shall apply to \$1,500 and providing a 10 per cent increase for employees who receive salaries of \$1,000 or less and a 5 per cent increase for employees who receive salaries of more than \$1,000 and not exceeding \$1,500 per annum.

On amendment No. 105: This amendment authorizes the President to extend invitations to other nations to appoint delegates to the International Farm Congress, to be held at Peoria, Ill. The House recedes.

A. F. LEVER,
GORDON LEE,
G. N. HAUGEN,

Managers on the part of the House.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned to meet at 12 o'clock noon to-morrow, Sunday, February 18, 1917.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Columbia River at the town of Hood River, Oreg. (H. Doc. No. 2064); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of harbor at Mackinac Island, Mich., with a view of extending the east breakwater a distance of 400 feet (H. Doc. No. 2065); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Virgin River, Nev., between its intersection with the east line of the State of Nevada and the Colorado River, with a view to confining such river within its channel and the protection of the banks against erosion (H. Doc. No. 2066); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Tchula Lake, Miss. (H. Doc. No. 2067); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting supplemental schedules of papers, documents, etc., on the files of the Treasury Department which are not needed or useful in the transaction of public business and have no permanent value or historical interest (H. Doc. No. 2068); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination for a breakwater at Sea Gate, Coney Island, N. Y., and connecting waters from Gravesend Bay to Ambrose Channel (H. Doc. No. 2069); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 20755) to carry out the provisions of the treaty of August 4, 1916, for the purchase of the Danish West Indian Islands, and for other purposes, reported the same with amendment, accompanied by a report (No. 1505), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON requested, and it was agreed to, that the resolution (H. Res. 477) requesting the Attorney General of the United States to inform the House in regard to proceeding against the binder-twine monopoly, reported adversely February 14, 1917 (Rept. No. 1494), be taken from the Speaker's table and referred to the House Calendar.

Mr. LA FOLLETTE, from the Committee on the Public Lands, to which was referred the bill (S. 1792) for the relief of settlers

on unsurveyed public lands, reported the same favorably without amendment, accompanied by a report (No. 1207, pt. 2).

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 20512) to admit Marguerite Mathilde Slidell d'Erlanger to citizenship, reported the same with amendment, accompanied by a report (No. 1504), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KEATING: A bill (H. R. 20947) to prohibit interstate and foreign commerce in certain products of female labor, and for other purposes; to the Committee on Labor.

By Mr. SPARKMAN: A bill (H. R. 20948) providing for the marking and protection of the battle field known as Dade's Massacre, in Sumter County, Fla., and for the erection of a monument thereon; to the Committee on Military Affairs.

Also, a bill (H. R. 20949) authorizing the Secretary of War to donate to the town of Zephyrhills, Pasco County, Fla., two bronze or brass cannon, with projectiles; to the Committee on Military Affairs.

By Mr. MURRAY: A bill (H. R. 20950) granting old-age pensions; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 20951) to include certain lands in the counties of Modoc and Siskiyou, Cal., in the Modoc National Forest, Cal., and for other purposes; to the Committee on the Public Lands.

By Mr. BRITTEN: A bill (H. R. 20952) for the relief of disbursing officers of the Naval Militia of the United States and of the National Naval Volunteers, and specifying certain dates on which Naval Militia are entitled to pay from Federal funds; to the Committee on Naval Affairs.

By Mr. LANGLEY: A bill (H. R. 20953) to pension the survivors of the War with Spain and Philippine insurrection; to the Committee on Pensions.

Also, a bill (H. R. 20962) to provide for increasing the rates of pension of totally disabled, needy, and helpless soldiers, sailors, and marines of the Civil and Mexican Wars; to the Committee on Invalid Pensions.

By Mr. BYRNES of South Carolina: Resolution (H. Res. 510) to pay Gist Finley one month's salary; to the Committee on Accounts.

By Mr. LAZARO: Resolution (H. Res. 511) authorizing the Committee on Enrolled Bills to employ additional clerks; to the Committee on Accounts.

By Mr. MURRAY: Joint resolution (H. J. Res. 372) to change the name of the Danish West Indies to Monroe Isles; to the Committee on Foreign Affairs.

By Mr. LEWIS: Joint resolution (H. J. Res. 373) requesting the President to invite the sovereign governments of the world to a conference to discuss a government for the international community; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Memorial of the General Assembly of the State of New York, favoring appropriation by Congress of \$1,395,275 for the transfer to the Federal Government of the quarantine establishment at the port of New York; to the Committee on Appropriations.

By Mr. DOOLING: Memorial of the General Assembly of the State of New York, favoring appropriation by Congress of \$1,395,275 for the transfer to the Federal Government of the quarantine establishment at the port of New York; to the Committee on Appropriations.

By Mr. MOTT: Memorial of the Legislature of the State of New York, favoring an appropriation for the transfer of the quarantine establishment at New York to the United States; to the Committee on Appropriations.

By Mr. GRIFFIN: Memorial of the General Assembly of the State of New York, favoring an appropriation by Congress of \$1,395,275 for the transfer to the Federal Government of the quarantine establishment of the port of New York; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARLIN: A bill (H. R. 20954) to appoint Allen M. Sumner a captain on the active list of the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. CHURCH: A bill (H. R. 20955) to reimburse Robinson Bros., of Merced, Cal., for range feed destroyed by fire; to the Committee on Claims.

By Mr. HAMLIN: A bill (H. R. 20956) granting an increase of pension to Joseph W. Johnson; to the Committee on Invalid Pensions.

By Mr. LAZARO: A bill (H. R. 20957) granting an increase of pension to Andrew P. Grubaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20958) granting an increase of pension to John Erwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20959) granting an increase of pension to Charles Bishop; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 20960) for the relief of John E. Osborne; to the Committee on Claims.

By Mr. WALSH: A bill (H. R. 20961) granting a pension to Carrie C. Washburn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry citizens of Missouri, urging the passage of the Federal woman-suffrage amendment; to the Committee on the Judiciary.

Also (by request), memorial of sundry citizens of Holstein Evangelical Jesus Church of St. Louis, Mo., and sundry citizens of Springfield, Mass., against the United States in war with any country; to the Committee on Foreign Affairs.

By Mr. BAILEY: Memorial adopted by the Blair County (Pa.) Pomona Grange, No. 37, supporting legislation permitting cities, townships, and boroughs to own and operate coal mines, coal yards, dairy stations, and public markets for the distribution of farm produce; to the Committee on the Judiciary.

By Mr. BELL: Petition of Horace L. B. Atkinson, of Washington, D. C., for \$1,000 for services rendered in election contest of Aaron P. Prioleau v. Hon. Richard S. Whaley; to the Committee on Elections No. 2.

By Mr. BROWNE: Petitions of sundry church organizations of Wisconsin, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. BYRNES of South Carolina: Petitions of 185 people of the Baptist Church, Allendale; 256 people of the Methodist Episcopal Church South, Allendale; 30 people at a public meeting of the Baptist Church, Blackville; 28 people at a public meeting, Martin; 300 or more of all denominations at a religious meeting, Edgefield; 130 people of the St. Paul Sunday School, Saluda; 200 people of the Red Bank Baptist Sunday School, Saluda; 50 people of St. John's Methodist Episcopal Church South, Graniteville; 30 people at a public meeting of the Baptist Church, Warrenton; 23 people at a public meeting of the Ridgeland Baptist Church, Ridgeland; 23 people at a public meeting in Methodist Church, Denmark; 16 representatives of Methodists and Baptists, Plum Branch; 55 people at a public meeting in Baptist Church, Ward; 33 people of the Woman's Missionary Society, Aiken; 43 people at a public meeting, Ehrhardt; 80 people at a public meeting in the Baptist Church, Saluda; and 65 people at a public meeting in the town hall, Allendale, all in the State of South Carolina, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of sundry employees of the Post Office Department of the State of California, urging the passage of House bill 17806; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of sundry citizens of Milwaukee, Wis., opposing the passage of House bill 17606, known as the Kitchen bill; to the Committee on Banking and Currency.

By Mr. DALLINGER: Petition of citizens of Medford, Mass., for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. DOOLING: Memorial of the Union League Club of the city of New York, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. FOCHT: Petition of citizens of Waynesboro, Pa., and St. Thomas, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Philadelphia Produce Exchange, Philadelphia, Pa., opposed to House bill 20573; to the Committee on the Judiciary.

Also, evidence in support of House bill 20425, for the relief of Edward H. Harpster; to the Committee on Pensions.

By Mr. FULLER: Memorial of the Swedish Branch, Socialist Party of Rockford, Ill., opposing a declaration of war until first sanctioned by a vote of the people; to the Committee on Foreign Affairs.

Also, petitions of Rev. B. F. Fleetwood, D. D., of Sycamore, Ill.; Dr. A. M. Harrison and C. E. Sovereign, of Rockford, Ill.; and W. E. Prichard, of Ottawa, Ill., for prohibitory legislation; to the Committee on the Judiciary.

Also, petitions of J. E. Lewis and H. C. Wood, of De Kalb, Ill., for the Chamberlain bill, Senate bill 1695, for military and naval training; to the Committee on Military Affairs.

Also, petition of Herman L. Lange, for House bill 15582 and Senate bill 1662, to increase pensions of blind veterans; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Petitions of sundry citizens of Boston, asking a referendum vote before Congress declares war; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Boston, Dorchester, Roxbury, and Mattapan, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Also, memorial of members of the Convention of New England Electrical, Civil, and Mechanical Engineers, pledging themselves to support the President regarding war; to the Committee on Foreign Affairs.

By Mr. GRIFFIN: Petition of National Housewives' League, signed by Jennie Dewey Heath, favoring the passage of the Stephens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Equitable Life Assurance Society of the United States, protesting against the increase in the present tax on life insurance funds; to the Committee on Ways and Means.

Also, memorial of Boston Post Office Clerks' Association, Branch No. 5, United National Association of Post Office Clerks, indorsing House bill 17806; to the Committee on the Post Office and Post Roads.

By Mr. HINDS: Memorial of the Portland Chamber of Commerce, Portland, Me., opposing the proposed tax of 8 per cent on the excess profits of corporations and copartnerships; to the Committee on Ways and Means.

By Mr. MORIN: Petition of Messrs. J. W. Cruikshank, H. E. Zaring, R. G. Pentecost, C. E. Mayhew, and H. H. Willock, all of Pittsburgh, Pa., with reference to the Federal suffrage amendment; to the Committee on the Judiciary.

By Mr. OAKLEY: Memorial of Central Pomona Grange No. 1, Patrons of Husbandry, of Connecticut, against amendment reducing the tax on colored oleomargarine; to the Committee on Ways and Means.

By Mr. ROWLAND: Petitions of sundry church organizations of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SHOUSE: Petitions of 43 people at a public meeting at Minneola, Kans., and 90 people of the Woman's Christian Temperance Union, Ashland, Kans., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of the retail druggists of Rome, N. Y., for legislation permitting the mailing of poisonous drugs to persons fitted to receive them; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the State of New York, protesting against the passage of the Kitchin bill, to regulate check collection; to the Committee on Banking and Currency.

By Mr. SULLOWAY: Memorials adopted by the 453 mechanical engineers of the New England Branch of the American Society of Mechanical Engineers, in reference to the attitude of the President and Congress on the submarine issue, and pledging loyal support; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Petition of Church of the Brethren, Fruita, Colo., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 114 people of the Congregational Church, Fruita, Colo., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of certain citizens of Grand Junction, Colo., protesting against shipment of liquors from the United States to west coast of Africa; to the Committee on Alcoholic Liquor Traffic.

Also, memorial of the Methodist Episcopal Church of Fruita, Colo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of Francis Willard Union, representing 200 people, of New Castle, Pa., favoring the Sheppard-Gallinger-Webb-Smith joint resolution for a prohibitory amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of College Hill Union, numbering 124 people, of Beaver Falls, Pa., favoring the Sheppard-Gallinger-Webb-Smith joint resolution for a prohibitory amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of 25 members of the Cross Creek Grange, No. 954, Washington County, Pa., opposing Senator UNDERWOOD's amendment to the revenue bill; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Memorial adopted by the Commercial Club of Larimore, N. Dak., urging upon Congress the necessity of the early designation, construction, and maintenance of a system of national highways; to the Committee on Roads.

SENATE.

SUNDAY, February 18, 1917.

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

MEMORIAL ADDRESSES ON THE LATE SENATOR CLARKE.

Mr. ROBINSON. Mr. President, pursuant to the notice heretofore given, I offer the resolutions which I send to the desk and ask for their adoption.

The VICE PRESIDENT. The resolutions will be read.

The Secretary read the resolutions, as follows:

Senate resolution 363.

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JAMES P. CLARKE, late a Senator from the State of Arkansas.

Resolved, That is a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. ROBINSON. Mr. President, the notable career of the late Senator JAMES P. CLARKE, of Arkansas, was closed by sudden death on October 1, 1916. Within four months after his demise the legislature of our State adopted a resolution providing for the erection of his statue in Statuary Hall in commemoration of his services to Arkansas and to the Nation.

Mr. CLARKE was born in Yazoo City, Miss., August 18, 1854. He studied in the common schools and other local educational institutions of Mississippi and graduated in law at the University of Virginia in 1878. He entered upon the practice of his profession at Helena, Ark., in the following year. In 1886 his political career began with service in the lower house of the general assembly. In 1888 he was elected to the State senate for a term of four years, becoming president pro tempore of that body and ex officio lieutenant governor. In 1892 he was elected attorney general of Arkansas, and in 1894 governor of that State. Three years later he resumed the practice of law at Little Rock and actively pursued his profession until his election to the United States Senate in 1902. His service in this body began March 4, 1903, and his influential activities here continued until his death.

The action of the General Assembly of Arkansas in authorizing the statue of Senator CLARKE to be placed in our national hall of fame within so short a time following his departure, is an unusual tribute. Considered in connection with the fact that he had many personal antagonisms and political controversies, the enmities of which must have survived him, this tribute to his character and services is the more pronounced. This honor was prompted by appreciation of the personal integrity and marked ability which characterized the private and public career of Senator CLARKE rather than by affection and gratitude. There are other names associated with the progress of Arkansas that thrill her people with loving memories. Gen. Patrick Cleburne ranks with Jeb Stuart, Bedford Forrest, and Stonewall Jackson in courage and daring. The songs of Albert Pike, his chivalric, knightly character and striking personality, render him immortal.

Augustus H. Garland was among the Nation's greatest lawyers and statesmen. James K. Jones led his party for many years with courage, fidelity, and distinction. U. M. Rose was for the lifetime of a generation the most cultured man at the American bar. His knowledge of literature and art was not greater than his comprehension of the principles of justice and equity, which form the basis of our social, industrial, and political system. Any two of these are worthy of places in Statuary Hall, and it has been the difficulty of choosing among them that has kept vacant one of the niches reserved for Arkansas. Any man who